

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08 OA 2

Date: 24 February 2010

THE APPEALS CHAMBER

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Sang-Hyun Song
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF THE PROSECUTOR

v.

JEAN-PIERRE BEMBA GOMBO

Public

**Order on the reclassification as public of documents ICC-01/05-01/08-498-Conf and
ICC-01/05-01/08-503-Conf**

AS

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence of Mr Jean-Pierre

Bemba Gombo

Mr Nkwebe Liriss

Mr Karim A.A.Khan

REGISTRY

Registrar

Ms Silvana Arbia

The Appeals Chamber of the International Criminal Court,

Recalling the appeal of the Prosecutor against the decision of Pre-Trial Chamber II dated 14 August 2009 entitled “Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa” (ICC-01/05-01/08-475),

Recalling its judgment of 2 December 2009 in the aforesaid appeal entitled “Judgment on the appeal of the Prosecutor against Pre-Trial Chamber II’s ‘Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa’” (ICC-01/05-01/08-631-Red),

Pursuant to rules 137 (2) and 149 of the Rules of Procedure and Evidence, and regulations 20 (3) and 23 *bis* (3) of the Regulations of the Court,

Issues the following

ORDER

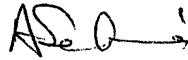
The Registrar shall reclassify as public the:

1. “Order on the Reclassification as Confidential of the Response to the Document in Support of the Appeal and on the Filing of a Public Redacted Version” (ICC-01/05-01/08-498-Conf); and
2. “Submission by the Defence of the Corrected Version and Public Redacted Version of its Response to the Prosecutor’s Document in Support of the Appeal and to his Request for Suspensive Effect, filed on 31 August 2009” (ICC-01/05-01/08-503-Conf).

REASONS

1. Mr Bemba filed, classified as public, the “Réponse de la Défense à l’acte d’appui d’appel du Procureur ainsi que sa demande de l’effet suspensif” dated 31 August 2009 (ICC-01/05-01/08-493; hereinafter: “Response to the Document in Support of the Appeal”); it was registered on 1 September 2009.
2. On 2 September 2009, the Appeals Chamber filed, classified as confidential, the “Order on the Reclassification as Confidential of the Response to the Document in Support of the Appeal and on the Filing of a Public Redacted Version” (ICC-01/05-01/08-498-Conf; hereinafter: “Order of the Appeals Chamber”), instructing the Registrar to reclassify as confidential the Response to the Document in Support of the Appeal and directing Mr Bemba to file a public redacted version of said document.
3. On 3 September 2009, Mr Bemba filed, in response to the Order of the Appeals Chamber, the “Submission by the Defence of the Corrected Version and Public Redacted Version of its Response to the Prosecutor’s Document in Support of the Appeal and to his Request for Suspensive Effect, filed on 31 August 2009” (ICC-01/05-01/08-503-Conf; hereinafter: “Defence Submission”). The Defence Submission was filed confidentially with a confidential Annex A, which contained a corrected version of the Response to the Document in Support of the Appeal, and with a public Annex B, which contained a redacted version of Annex A.
4. Regulation 23 *bis* (3) of the Regulations of the Court provides, in relevant part, that where the basis for the classification no longer exists, “[a] Chamber may also re-classify a document upon request by any other participant or on its own motion.” In the instant case the Appeals Chamber is satisfied that no reason exists for the Order of the Appeals Chamber or the Defence Submission to remain confidential. Accordingly, the Appeals Chamber directs that these documents be reclassified as public. However, Annex A to the Defence Submission shall remain classified as confidential.

Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge

Dated this 24th day of February 2010

At The Hague, The Netherlands

