



Original: English

No.: ICC-01/05-01/08
Date: 20 September 2011

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Akua Kuenyehia
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

Defence response to the Order in relation to the filing of confidential documents

Source: The Defence Team for Mr Jean-Pierre Bemba Gombo

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
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States Representatives

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Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 16 September 2011, the Appeals Chamber rendered its “Order in relation to the filing of confidential documents”,¹ in which it ordered that Mr. Bemba “shall state the reasons for filing as confidential and shall provide reasons, if any, why the following documents, or any information contained therein, should not be reclassified as public;

1. ICC-01/05-01/08-1702-Conf,
2. ICC-01/05-01/08-1702-Conf-Anxl,
3. ICC-01/05-01/08-1717-Conf”² (“the Confidential filings).

2. Consistent with past practice, the Defence filed these documents confidentially in order to facilitate the implementation of Mr. Bemba’s provisional release, in the event that the Defence request was granted. The Defence notes the filing of a public redacted version of the Trial Chamber’s “Decision on the ‘Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo’”,³ as well as the filing of a public redacted version of the “Judgement on the Appeal of Mr. Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 27 June 2011 entitled ‘Decision on Applications for Provisional Release.’”⁴

3. Given that there is no longer a need to facilitate the implementation of the Defence request, and given the existence of public redacted decisions on this issue, the Defence submits, pursuant to the Appeals Chamber’s Order, that the Confidential filings should be reclassified as public.

4. The whole respectfully submitted.

¹ ICC-01/05-01/08-1753

² Ibid., page 3.

³ ICC-01/05-01/08-1691-Red.

⁴ ICC-01/05-01/08-1626-Red.



Aimé Kilolo Musamba
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Dated this Tuesday, the 20th of September 2011

At The Hague, The Netherlands