



Original: **English**

No.: **ICC-01/05-01/08 OA8**

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

Prosecution's provision of information pursuant to the Appeals Chamber "Order in relation to the filing of confidential documents" (ICC-01/05-01/08-1753 OA 8)

Source: Office of the Prosecutor

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
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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 16 September 2011, the Appeals Chamber issued an order in relation to the filing of confidential documents in the appeals proceedings ICC-01/05-01/08 OA 8 (“Order”).¹
2. The Appeals Chamber found that the Prosecution filed confidential documents in those proceedings without stating the factual and legal basis for filing these documents confidentially,² in violation of Regulation 23*bis*(1).³ As a result, the Appeals Chamber ordered the Prosecution to state the reasons for filing document ICC-01/05-01/08-1715-Conf and ICC-01/05-01/08-1718-Conf as confidential. It also ordered the Prosecution to provide reasons, if any, why these documents, or any information contained therein, should not be reclassified as public.⁴
3. The Prosecution recalls that in footnotes 14 and 1 of the respective filings, it stated that “[p]ursuant to Regulation 23*bis*(2) of the Regulations of the Court, the Prosecution files this appeal confidential as it follows the same level [of confidentiality] of the filings before the Trial Chamber [...] the Appeal Brief”,⁵ as well as the “Victims’ Request to Participate and Observations”.⁶ There are no additional factual or legal reasons for the confidentiality of these documents and the Prosecution does not object to the Appeals Chamber reclassifying the documents as public.

¹ ICC-01/05-01/08-1753 OA 8.

² Order, para.3.

³ Order, para.6.

⁴ Order, dispositive, p.3.

⁵ ICC-01/05-01/08-1715-Conf, fn.14.

⁶ ICC-01/05-01/08-1718-Conf, fn.1.



Luis Moreno-Ocampo, Prosecutor

Dated this 20th day of September 2011

At The Hague, The Netherlands