



Original: **English**

No.: **ICC-01/04 OA**
Date: **15 December 2010**

THE APPEALS CHAMBER

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

With Under Seal Annex 1

**Prosecution's submissions in compliance with the
"Order relating to the reclassification of documents"**

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

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 29 November 2010, the Appeals Chamber ordered the Prosecution to provide the reasons, if any, why 14 documents relating to the Prosecution's appeals against Pre-Trial Chamber I's 10 February 2006 "Decision on the Prosecutor's Application for Warrants of Arrest, Article 58", or any information contained therein, should not be reclassified as public.¹
2. The Prosecution does not object to the reclassification as public of the following documents, including the entirety of the information contained therein: ICC-01/04-121-US-Exp; ICC-01/04-124-US-Exp; ICC-01/04-125-US-Exp; ICC-01/04-126-US-Exp; ICC-01/04-127-US-Exp; ICC-01/04-129-US-Exp; ICC-01/04-131-US-Exp; ICC-01/04-133-US-Exp; ICC-01/04-136-US-Exp; ICC-01/04-136-US-Exp-AnxI; ICC-01/04-136-US-Exp-AnxII; ICC-01/04-165-US-Exp; and ICC-01/04-537-US-Exp.
3. With respect to ICC-01/04-120-US-Exp, the Prosecution does not object to the reclassification as public of this document, but submits that information included in footnotes 119, 120 and 121 (as identified in Annex 1) should be redacted in order to provide for the protection of victims and witnesses. All persons referred to in these footnotes have been granted protective measures in the Lubanga case and are participating in the ICC Protection Program.

¹ ICC-01/04-589 OA.

4. Similarly, information included in footnote 162 (as identified in Annex 1) should be redacted in order to preserve the confidentiality of the Prosecution's investigations. If this information became accessible to the public, this could prejudice further investigations.



Luis Moreno-Ocampo
Prosecutor

Dated this 15th day of December 2010
At The Hague, The Netherlands