

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/05-01/13**  
Date: **14 February 2018**

**THE APPEALS CHAMBER**

**Before:** Judge Silvia Fernández de Gurmendi, Presiding Judge  
Judge Sanji Mmasenono Monageng  
Judge Howard Morrison  
Judge Geoffrey A. Henderson  
Judge Piotr Hofmański

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC**

**IN THE CASE OF**  
*THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO  
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA  
WANDU AND NARCISSE ARIDO*

**Public**

**Prosecution's request to reclassify ICC-01/05-01/13-2216-Conf as public**

**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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**Detention Section****Victims Participation and Reparations Section Other**

## Submissions

1. The Prosecution requests the Appeals Chamber to reclassify, as public, its request for leave to reply to Mangenda's "Response to Prosecution's request for leave to file a corrected version of its response brief" (ICC-01/05-01/13-2216-Conf, 4 September 2017).
  
2. Maintaining the confidential basis of this document is no longer justified.<sup>1</sup> The Appeals Chamber has since rendered a public decision addressing this issue.<sup>2</sup> Moreover, the document does not have confidential content that must be redacted. Reclassifying it as public is thus warranted. For these reasons, the present submission is also filed as public.
  
3. The Prosecution will be in a position to make public or public redacted versions available of its remaining responses, once the Defence has filed public redacted versions of its initial requests or sought to reclassify them as public.<sup>3</sup>




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Fatou Bensouda, Prosecutor

Dated this 14<sup>th</sup> February 2018<sup>4</sup>  
 At The Hague, The Netherlands

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<sup>1</sup> Regulations 23bis(3): "Where the basis for the classification no longer exists, whosoever instigated the classification [...] shall apply to the Chamber to re-classify the document. A Chamber may also re-classify a document upon request by any other participant or on its own motion."

<sup>2</sup> See ICC-01/05-01/13-2235 ("Corrected Submissions AD"). See also ICC-01/05-01/13-2207-Red ("Prosecution's Corrected Submissions Request"). But see ICC-01/05-01/13-2210-Conf ("Mangenda's Response Corrected Submissions").

<sup>3</sup> See e.g., Defence filings ICC-01/05-01/13-2224-Conf; ICC-01/05-01/13-2241-Conf; ICC-01/05-01/13-2244-Conf-Exp; ICC-01/05-01/13-2245-Conf; ICC-01/05-01/13-2249-Conf; ICC-01/05-01/13-2255-Conf.

<sup>4</sup> This submission complies with regulation 36, as amended on 6 December 2016: ICC-01/11-01/11-565 OA6 ("Al Senussi AD"), para. 32.