

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **22 September 2020**

THE APPEALS CHAMBER

Before: Judge Howard Morrison, Presiding Judge
Judge Chile Eboe-Osuji
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Confidential

Prosecution request for reclassification of ICC-01/04-02/06-2582-Conf-AnxII

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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Mr Dmytro Suprun

**Legal Representatives of the
Applicants**

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

Prosecution request for reclassification

1. On 16 September 2020, the Prosecution filed its "Prosecution response to 'Defence request for admission of additional evidence on appeal'",¹ along with Annexes I and II.² The documents were all filed confidentially pursuant to regulation 23bis(2) of the Regulation of the Court since they referred to confidential information.
2. The Prosecution hereby seeks reclassification of document ICC-01/04-02/06-2582-Conf-Anx II to public. There are no reasons to justify the confidentiality of this document since the witnesses mentioned testified in open session during the appeal hearing in the *Lubanga* case.³
3. A public redacted version of the Prosecution Response will be filed once Annex II is reclassified. Annex I will remain confidential since it refers to confidential information.



Fatou Bensouda, Prosecutor

Dated this 22nd day of September 2020

At The Hague, The Netherlands

¹ ICC-01/04-02/06-2582-Conf ("Prosecution Response").

² ICC-01/04-02/06-2582-Conf-AnxI and ICC-01/04-02/06-2582-Conf-AnxII ("Annexes to Prosecution Response").

³ [ICC-01/04-01/06-T-362-Red-ENG](#) (A4 A5 A6), 19 May 2014. A public redacted version of the same document was filed in the *Lubanga* case ([ICC-01/04-01/06-2969-Anx2-Red](#)) with the name of one of the witnesses redacted. However, the witness testified publicly in the appeal hearing on 19 May 2014 after the filing of that document on 19 February 2013, thus rendering the redaction unnecessary.