



Original: English

No. ICC-01/05-01/13 A A2 A3 A4 A5

Date: 2 October 2017

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

Order on reclassification of decision ICC-01/05-01/13-2198-Conf

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for Jean-Pierre Bemba Gombo
Ms Melinda Taylor
Ms Mylène Dimitri

Counsel for Aimé Kilolo Musamba
Mr Michael G. Karnavas

Counsel for Jean-Jacques Mangenda Kabongo
Mr Christopher Gosnell
Mr Peter Robinson

Counsel for Fidèle Babala Wandu
Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido
Mr Charles Achaleke Taku
Ms Beth Lyons

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu, and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute” of 19 October 2016 (ICC-01/05-01/13-1989-Red),

Issues the following

ORDER

The Registrar is directed to reclassify as public decision ICC-01/05-01/13-2198-Conf.


REASONS

The Appeals Chamber notes that the “Decision on Mr Arido’s request to respond to evidence adduced by the Prosecutor” (ICC-01/05-01/13-2198-Conf) of 18 August 2017 was issued as confidential given that some of the related filings were classified as confidential documents. Public redacted versions of these filings have been registered in the meantime.¹ The Appeals Chamber considers that the decision does not refer to any information which has not been made publicly available by the Prosecutor and/or Narcisse Arido in the public redacted versions of their respective filings or in subsequent public filings,² or which otherwise warrants confidential treatment. As no reason exists for the decision to remain confidential, the Appeals Chamber directs that it be reclassified as public.

¹ “Public redacted version of ‘Corrected version of ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeal’”, 24 August 2017, ICC-01/05-01/13-2170-Conf-Corr”, [ICC-01/05-01/13-2170-Corr-Red \(A A2 A3 A4 A5\)](#), registered on 25 August 2017; “Public Redacted Version of ‘Narcisse Arido’s Request for Leave to Reply to the ‘Prosecution’s Consolidated Response to the Appellants’ Documents in Support of Appeals [*sic*]’ (ICC-01/05-01/13-2170-Conf)”, filed 24 July 2017”, [ICC-01/05-01/13-2180-Red \(A A2 A3 A4 A5\)](#), registered on 31 August 2017.

² *See e.g.* “Public Redacted Version of ‘Narcisse Arido’s Response to ‘Prosecution’s Request to Admit Prior Recorded Testimonies and to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b)’ (ICC-01/05-01/13-2205-Conf)”, filed 18 August 2017”, [ICC-01/05-01/13-2212-Red \(A A2 A3 A4 A5\)](#), registered on 6 September 2017.

Done in both English and French, the English version being authoritative.


Judge Silvia Fernández de Gurmendi
Presiding Judge

Dated this 2nd day of October 2017

At The Hague, The Netherlands