

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 23 September 2010

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko
Judge Sanji Mmasenono Monageng

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

Public

**Observations of the Registry on the Appeals Chamber's "Order in relation to
confidential filings"**

Source: Registrar

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Fabricio Guariglia

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Paul Kabongo Tshibangu

Ms Carine Bapita Buyangandu

Mr Luc J. M. Walley

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

Counsel Support Section**Deputy Registrar**

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod Jacome

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

The Registrar of the International Criminal Court (the “Court”);

NOTING the “Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process” submitted on 30 July 2010 (the “Prosecution’s Appeal”)¹;

NOTING the “Registry’s additional information relevant to the ‘Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process’” submitted on 11 August 2010 (the “Registry’s submission”)²;

NOTING the Appeals Chamber’s “Order in relation to confidential filings” (the “Order”)³;

NOTING articles 43(6) and 68(1), (3) and (4) of the Rome Statute, rules 16 to 19, 73, 76, 86 to 89 of the Rules of Procedure and Evidence, regulations 23*bis* and 41 of the Regulations of the Court and regulations 79 to 96 of the Regulations of the Registry;

CONSIDERING that in its Order the Appeals Chamber requested the Registrar “to indicate, by 16h00 on Thursday, 23 September 2010, the factual and legal basis for filing as confidential the “Registry’s additional information relevant to the ‘Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process’” (ICC-01/04-01/06-2551-Conf)”⁴;

¹ ICC-01/04-01/06-2544-Conf.

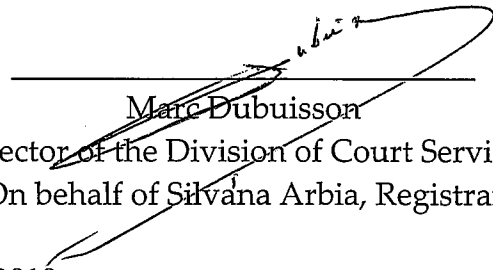
² ICC-01/04-01/06-2551-Conf.

³ ICC-01/04-01/06-2568.

⁴ ICC-01/04-01/06-2568, para. 2.

RESPECTFULLY SUBMITS the following observations on the Appeals Chamber's Order:

1. The Registry's submission was filed as confidential in accordance with regulation 23*bis* of the Regulations of the Court.
2. The Registry hereby informs the Chamber that the Victims and Witnesses Unit (the "VWU") confirmed that it has no security concerns in relation to the content of the Registry's submission to be made publicly available.
3. However, the Registry respectfully indicates that in its submission it referred to and quoted extensively information contained in confidential documents issued by Trial Chamber I or filed by the VWU and the Office of the Prosecutor. Moreover, the Registry in its submission referred to several email exchanges between the VWU and both Trial Chamber I and Trial Chamber II, the content of which is confidential.
4. The Registry notes that neither Trial Chamber I nor Trial Chamber II made public the information referenced in the Court records and email exchanges mentioned therein.
5. Should the Chamber deem it necessary, the Registry will file a public redacted version of its submission pending the disclosure of confidential information contained therein or reclassification of respective Court records.



Marc Dubuisson
Director of the Division of Court Services
On behalf of Silvana Arbia, Registrar

Dated this 23 September 2010
At The Hague, The Netherlands