

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06

Date: 1 October 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

with Confidential Annex 1

**Observations of the Victims and Witnesses Unit on the propriety of reclassifying as
public the document № ICC-01/04-01/06-2559-Conf**

Source: Registrar

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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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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 “Redacted Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU” issued by Trial Chamber I on 8 July 2010 (the “Redacted Decision of Trial Chamber I”)¹;

NOTING the confidential and public redacted versions of the “Observations on behalf of victims a/0001/06, a/0002/06, a/0003/06, a/00049/06, a/0149/07, a/0155/07, a/0156/07, a/0162/07, a/0007/08, a/0149/08, a/0405/08, a/0406/08, a/0407/08, a/0409/08, a/0523/08, a/0053/09, a/0249/09, a/0292/09 and a/0398/09 on the appeal against Trial Chamber I's decision of 8 July to stay the proceedings” of 23 August 2010 (the “Victims' Observations”)²;

NOTING the “Order on the filing of observations as to the confidential status of victims' observations dated 23 August 2010 (ICC-01/04-01/06-2559-Conf)” issued by the Appeals Chamber on 29 September 2010 (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 Victims and Witnesses Unit to submit by 1 October 2010 the “observations on the propriety of reclassifying as public the “Observations pour les victimes a/0001/06, a/0002/06, a/0003/06, a/00049/06, a/0149/07, a/0155/07, a/0156/07, a/0162/07, a/0007/07, a/0149/08, a/0405/08, a/0406/08, a/0407/08, a/0409/08, a/0523/08, a0053/09, a/0249/09, a/0292/09 et

¹ ICC-01/04-01/06-2517-Red.

² ICC-01/04-01/06-2559-Conf-tENG and ICC-01/04-01/06-2559-Red-tENG.

³ ICC-01/04-01/06-2575

a/0398/09 sur l'appel contre la décision du 8 juillet de la Chambre de Première Instance I de suspendre la procédure" of 23 August 2010 (ICC-01/04-01/06-2559-Conf)"⁴ and "considers it appropriate to hear from the Victims and Witnesses Unit [...] as to making public the Victims' Observations, in particular in light of the use therein of pseudonyms to refer to victims or witnesses"⁵;

RESPECTFULLY SUBMITS the Observations of the Victims and Witnesses Unit on the propriety of reclassifying as public the document № ICC-01/04-01/06-2559-Conf.

1. In relation to the redactions applied to footnote 8 on page 4 of the Victims' Observations, the Victims and Witnesses Unit (the "VWU") does not consider it necessary to apply these redactions for the reason that the fact described therein is already made public by the "Redacted Decision of Trial Chamber I"⁶.
2. In relation to the redactions applied to footnote 9 on page 4 of the Victims' Observations, the VWU submits its observations in a Confidential Annex 1 to the current submission due to the high level of confidentiality of the information.

Marc Dubuisson, Director, DCS

On behalf of

Silvana Arbia, Registrar

Dated this 1 October 2010

At The Hague, The Netherlands

⁴ ICC-01/04-01/06-2575, p.3.

⁵ ICC-01/04-01/06-2575, para.5.

⁶ ICC-01/04-01/06-2517-Red, para.4.