

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoC85-01/09

Date: 11 February 2011

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Confidential

***Ex parte* only available to the Legal Representatives and the Registry**

Order concerning the “Decision on the Demande de réexamen de la décision du Greffier sur la demande d’aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l’affaire Le Procureur c/Thomas Lubanga Dyilo”

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

Legal Representatives of the Victims

Mr Hervé Diakiese

Mr Luc Walley

Mr Franck Mulenda

Mr Jean Chrysotome Mulamba

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims Participation and Reparations

Section

Ms Fiona McKay

The Presidency of the International Criminal Court;

In the application for judicial review submitted by the legal representatives of the victims, Messrs. Walley, Mulenda, Diakiese and Mulamba ("applicants") on 11 March 2009 ("Application"),¹ seeking review of a decision of the Registrar on the legal assistance payable to legal representatives of victims ("Impugned Decision");²

Noting the Presidency's decision on the Application entitled "Decision on the 'Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/Thomas Lubanga Dyilo'", filed with a confidential *ex parte* classification made only available to the applicants and Registry ("Decision");³

Noting that in addition to the Decision, the following documents have also been filed in relation to this matter:

- Observations of the Registry in accordance with regulation 24 bis of the Regulations of the Court relating to the "Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l'affaire le Procureur c/Thomas Lubanga Dyilo";⁴
- Réponse aux observations du Greffier ICC-RoC85-01/09-4-Conf-Exp dans l'affaire Le Procureur c/Thomas Lubanga Dyilo;⁵
- Request for leave to present observations to the « Réponse aux observations du Greffier ICC-RoC85-01/09-4-Conf-Exp dans l'affaire Le Procureur c/Thomas Lubanga Dyilo »;⁶

¹ Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/Thomas Lubanga Dyilo, ICC-RoC85-01/09-1-Conf-Exp.

² Décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/ Thomas Lubanga Dyilo, ICC-RoC85-01/09-3-Conf-Exp, 25 February 2009.

³ ICC-RoC85-01/09-7-Conf-Exp, 1 April 2010.

⁴ ICC-RoC85-01/09-4-Conf-Exp, 1 April 2009.

⁵ ICC-RoC85-01/09-5-Conf-Exp, 14 April 2009.

⁶ ICC-RoC85-01/09-6-Conf-Exp, 17 April 2009.

- Mise en oeuvre de l'ordonnance de la Présidence ICC-RoC85-01/09-2-Conf-Exp and annexes thereto;⁷ and
- Order concerning the "Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maîtres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/Thomas Lubanga Dyilo";⁸

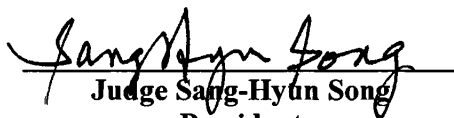
Considering that nothing in any of the aforementioned documents *prima facie* qualifies them as confidential;

Hereby

Orders the applicants to review the aforementioned documents and inform the Presidency, by 4pm on 7 March 2011, of any factual and legal basis for retaining their current classification and whether any information requires redaction prior to any publication.

Orders the Registrar to review the aforementioned documents and inform the Presidency, by 4pm on 7 March 2011, of any factual and legal basis for retaining their current classification and whether any information requires redaction prior to any publication.

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


Judge Sang-Hyun Song
President

Dated this 11 February 2011

At The Hague, The Netherlands

⁷ ICC-RoC85-01/09-3-Conf-Exp and annexes thereto, 18 March 2009.

⁸ ICC-RoC85-01/09-2-Conf-Exp, 16 March 2009.