

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 August 2011

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**

Confidential

**Report of the Registry on the notification of Decision ICC-01/04/06-2794-Conf
to the Host State**

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

Mr. Fabricio Guariglia

Counsel for the Defence

Ms. Catherine Mabilie

Mr. Jean-Marie Biju Duval

States Representatives

Ms Liesbeth Lijnzaad, the Kingdom of
the Netherlands

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Counsel Support Section

THE REGISTRAR of the International Criminal Court (the "Court");

NOTING the "Urgent Request for Directions"¹ filed by the Host State to the Appeals Chamber on 17 August 2011;

NOTING the Appeals Chamber "Order in relation to confidential filings" dated 24 August 2011 (the "Order")²;

NOTING regulations 23 bis (1), 31 and 33 of the Regulations of the Court;

CONSIDERING that the Chamber ordered the Host State to "indicate by 25 August 2011 the factual and legal basis for filing as confidential the "Urgent Request for Directions" (ICC-01/04-01/06-2788-Conf) as required by regulation 23 bis (1) of the Regulations of the Court";

INFORMS the Chamber as follows:

1. On 24 August 2011, the Registry sent to the Host State a courtesy copy of the Order at 17.55 pm and discussed the matter with the relevant Dutch authorities.
2. Subsequently, the Registry unfortunately failed to proceed with the timely notification of the Order to the Host State. The notification took place at 17.00 pm on 25 August 2011.

¹ ICC-01/04-01/06-2788-Conf

² ICC-01/04-01/06-2794-Conf

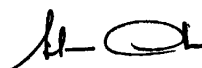
3. As a result of this late notification, the Host State was not in a position to file its observations before 4 pm. The Host State filed its observations on 25 August 2011 at 19.22 pm.

4. The Registry presents its apologies to the Appeals Chamber for this late notification.

5. The present filing was classified confidential in line with the classification of the Order of the Appeal Chamber.

TRANSMITS in annex:

- The Memorandum of Notification to the Host State (Annex 1);



Silvana Arbia, Registrar

Dated this 26 August 2011

At The Hague in the Netherlands