



Original: **French**

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

Date: 18 December 2012

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

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

Public Document

**Defence submissions pursuant to the *Order in relation to confidential filings* dated
17 December 2012**

Source: Defence team of Mr Thomas Lubanga Dyilo

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

Office of the Prosecutor

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pursuant to the order of the Appeals Chamber dated 17 December 2012, the Defence wishes to inform the Court that a public redacted version of the *“Mémoire de la Défense de M. Thomas Lubanga relatif à l’appel à l’encontre du Jugement rendu en application de l’Article 74 du Statut rendu le 14 mars 2012”* and its Annex 3 will be filed with the Registry of the Court today.
2. On 3 December 2012, the Defence filed its brief and Annex 3 as confidential in order not to disclose the identity of witnesses protected by the Court, in accordance with article 68.
3. When preparing the redacted versions of these documents, the Defence redacted only information that might reveal the identity of witnesses protected by the Court¹ and the e-mail addresses of the parties appearing in Annex 3.²

FOR THESE REASONS, MAY IT PLEASE THE APPEALS CHAMBER TO:

TAKE NOTE of these observations.

[signed]

Ms Catherine Mabilie, Lead Counsel

Dated this 18 December 2012, at The Hague

¹ See ICC-01/04-01/06-2948, paras. 70, 83-87, 134, 169, 173-175, 218, 222 and 352 and Anx3.

² ICC-01/04-01/06-2948, Anx3, pp. 2 and 9.