

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06 A 4, A 5, A 6

Date: 27 May 2013

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

Request for reclassification of the "Transmission to the Appeals Chamber of a Report on 32 Applications to Participate in the Proceedings" filed on 20 May 2013

Source: Registry

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie

Ms Jean-Marie Biju-Duval

Ms Caroline Buteau

**Legal Representatives of the Victims
V01**

Mr Luc Walley

Mr Paul Kabongo Tshibangu

Legal Representatives of the Applicants

Mr Joseph Keta Orwinyo

**Legal Representatives of the Victims
V02**

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

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

NOTING the Appeals Chamber’s Decision issued on 6 May 2013 (the “Decision of 6 May 2013”), ordering *inter alia* the Registry to transmit to the parties a redacted version of 32 applications for participation in the proceedings (the “32 applications”), and a redacted version of the report on these applications prepared pursuant to regulation 86 of the Regulations of the Court (the “Report”);¹

NOTING the Registry’s transmission to the Appeals Chamber of the 32 applications² and of the Report, which contains 4 annexes,³ on 20 May 2013;

NOTING article 68 (1) of the Rome Statute and regulation 23 *bis* of the Regulations of the Court (the “Regulations”);

CONSIDERING that the Registry does not see the need to apply any redactions to the Report or to Annex 1 of the Report;⁴

CONSIDERING that following the Decision of 6 May 2013 ordering the Registry to transmit to the Chamber as Confidential *Ex Parte* the Victims and Witnesses Unit’s assessment of protection needs of the applicants (Annex 2 of the Report)⁵ and the

¹ ICC-01/04-01/06-3026. The Registry notes that the 32 applications concerned are those referred to in its filing of 7 February 2013 (ICC-01/04-01/06-2977). The information to be included in the report is listed in paragraphs 2 and 7 to 9 of the Appeal Decision.

² ICC-01/04-01/06-3028-Conf-Exp.

³ ICC-01/04-01/06-3029-Conf-Exp. The Annexes are as followed: Annex 1: Explanation of the methodology used to prepare the individual preliminary assessment reports which constitute Annex 4; Annex 2: Victims and Witnesses Unit’s assessment on protective measures requested by the applicants; Annex 3: Proposed Guidelines on Redactions; Annex 4: Individual preliminary assessment reports.

⁴ ICC-01/04-01/06-3029-Conf-Exp and ICC-01/04-01/06-3029-Conf-Exp-Anx1.

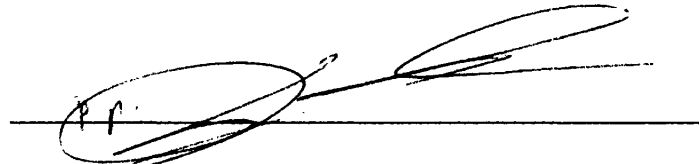
⁵ ICC-01/04-01/06-3026, page 3 point 2-a) and page 8, para. 8.

reasons for the proposed redactions on the redacted applications and redacted reports (Annex 3 of the Report),⁶ the Registry will not transmit these annexes to the parties;

CONSIDERING that the Registry has prepared a redacted version of annex 4 of the Report which contains the individual preliminary assessments of the applications for transmission to the parties today by 16.00pm;

REQUESTS the Chamber to grant the reclassification as Confidential of the following two documents: ICC-01/04-01/06-3029-Conf-Exp and ICC-01/04-01/06-3029-Conf-Exp-Anx1.

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A handwritten signature in black ink, consisting of a stylized 'M' and 'D' followed by a horizontal line, is positioned above a solid horizontal line.

Marc Dubuisson, Director, Division of Court Services

per delegation of the Registrar

Dated this 27 May 2013

At The Hague, The Netherlands

⁶ ICC-01/04-01/06-3026, page 4 point 3-b) and page 9, para. 10.