

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 31 January 2014

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***

Confidential

**Prosecution's Request for Reclassification of Annexed list of Authorities, ICC-
01/04-01/06-3058-Conf-AnxG**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

The Trust Fund for Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

The Office of Public Counsel for Victims

REGISTRY

Registrar

Mr Herman von Hebel

Procedural History

1. On 23 December 2013, the Appellant filed his “Requête de la Défense aux fins d’admission d’éléments de preuve supplémentaires dans le cadre des appels à l’encontre du ‘Jugement rendu en application de l’Article 74 du Statut’ et de la ‘Décision relative à la peine, rendue en application de l’article 76 du Statut’ et aux fins de présentation d’un moyen nouveau au soutien de ces appels” (“Request”).¹
2. On 13 January 2014, the Appeals Chamber filed its “Decision and order in relation to the request of 23 December 2013 filed by Mr Thomas Lubanga Dyilo”.²
3. On 17 January 2014, the Prosecution filed its “Prosecution’s Response to the “Requête de la Défense aux fins d’admission d’éléments de preuve supplémentaires dans le cadre des appels à l’encontre du ‘Jugement rendu en application de l’Article 74 du Statut’ et de la ‘Décision relative à la peine, rendue en application de l’article 76 du Statut’ et aux fins de présentation d’un moyen nouveau au soutien de ces appels’”. (“Response”)³
4. Simultaneously to this request, the Prosecution is filing its public redacted version of the Response and its annexes. Given that public redacted versions of the main submission will be available, the lists of authorities attached to it can be reclassified as public.

Confidential Filing

5. This application is filed confidentially because it refers to a document bearing that designation. If the Chamber decides to grant this request, the Prosecution submits that this application should also be reclassified as “Public”.

¹ ICC-01/04-01/06-3056-Conf A5 A6. A public redacted version was filed on 7 January 2014.

² ICC-01/04-01/06-3057-Corr.

³ ICC-01/04-01/06-3058-Conf with Confidential annexes A to G.

Relief sought

6. For the reasons set out above, the Prosecution requests that the Appeals Chamber reclassify the list of authorities annexed to the Prosecution's filing from confidential to public, pursuant to Regulation 23bis of the Regulations of the Court.



Fatou Bensouda
Prosecutor

Dated this 31th day of January 2014
At The Hague, The Netherlands