

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **27 May 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 CONGO

IN THE CASE OF

***THE PROSECUTOR
v. THOMAS LUBANGA DYILO***

Public

**Prosecution's Request for the Reclassification of certain confidential filings,
pursuant to the Appeals Chamber's Order of 20 May 2014**

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

Ms. Fatou Bensouda, Prosecutor
Mr. James Stewart
Mr. Fabricio Guariglia

Counsel for Thomas Lubanga Dyilo

Ms. Catherine Mabilie
Mr. Jean-Marie Biju-Duval
Ms. Caroline Buteau

Legal Representatives of Victims

Mr. Luc Walley
Mr. Franck Mulenda
Ms. Caroline Bapita Buyangandu
Mr. Paul Kabongo Tshibangu
Mr. Joseph Keta

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. On 14 May 2014, the Prosecution filed its response to the Defence filing ICC-01/04-01/06-3088-Conf.¹ On 15 May 2014, the Prosecution filed its response to the Defence filing ICC-01/04-01/06-3092-Conf.² Both these Prosecution filings were made on a confidential basis, pursuant to Regulation 23*bis*(2) of the Regulations of the Court, because the Defence requests were filed with the same classification.³
2. On 20 May 2014, the Appeals Chamber ordered the parties to review their confidential filings and to ensure the submission of public redacted versions of the documents by 10 June 2014 at the latest.⁴ On 23 May 2014, the Defence filed its request to reclassify as public its two previously filed confidential requests.⁵
3. In light of the Defence request to reclassify its original motions as public and because D-0041 testified in open session at the appeals hearing, the Prosecution requests the Appeals Chamber to reclassify its two responses ICC-01/04-01/06-3091-Conf and ICC-01/04-01/06-3095-Conf as public, pursuant to Regulation 23*bis*(3) of the Regulations of the Court.



Fatou Bensouda, Prosecutor

Dated this 27th day of May 2014

At The Hague, The Netherlands

¹ ICC-01/04-01/06-3091-Conf.

² ICC-01/04-01/06-3095-Conf.

³ ICC-01/04-01/06-3091-Conf., para.6; ICC-01/04-01/06-3095-Conf, para.7.

⁴ ICC-01/04-01/06-T-363-Red-ENG,p.4 lines.12-17.

⁵ ICC-01/04-01/06-3104, paras.2-4, referring to ICC-01/04-01/06-3092-Conf and ICC-01/04-01/06-3088-Conf. The Defence submits that Annexes 1-4 of ICC-01/04-01/06-3088-Conf should remain confidential as they contain personal information.