

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-01/06 A4 A 5 A 6

Date of original: 16 May 2014

Date of redacted document: 19 June 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

Public redacted document

Decision on the Prosecutor's request for redactions for the purposes of disclosure

Decision 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 Fabricio Guariglia

Counsel for the Defence
Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of Victims V01
Mr Luc Walley
Mr Franck Mulenda

Legal Representatives of Victims V02
Ms Carine Bapita Buyangandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Thomas Lubanga Dyilo against Trial Chamber I's decision entitled "Judgment pursuant to Article 74 of the Statute" of 14 March 2012 (ICC-01/04-01/06-2842), and

In the appeals of Mr Thomas Lubanga Dyilo and the Prosecutor against Trial Chamber I's "Decision on Sentence pursuant to Article 76 of the Statute" of 10 July 2012 (ICC-01/04-01/06-2901),

Noting the "Application for Authorisation to Redact Material Intended for Disclosure" of 15 May 2014 (ICC-01/04-01/06-3096-Conf-Exp), in which the Prosecutor requests the Appeals Chamber to authorise, pursuant to article 68 (5) of the Statute and rules 81 (2) and (4) of the Rules of Procedure and Evidence, certain redactions to a transcript of a statement recently taken by the OTP;

In order to allow Mr Thomas Lubanga Dyilo to access without delay the transcript of the statement and so as not to cause any prejudice to his defence,

Issues, pursuant to article 68 (1) of the Statute, rule 81 (2) and (4) of the Rules of Procedure and Evidence and regulation 24 (1) of the Regulations of the Court, the following

DECISION

(1) The Chamber authorises the redactions proposed in Annex 1 appended to the Prosecutor's "Application for Authorisation to Redact Material Intended for Disclosure";

(2) Orders *proprio motu* the following redactions:

- a. The [REDACTED] in line 669 of DRC-OTP-2066-0245 – Track 1;
- b. The [REDACTED] in lines 843 and 850 of DRC-OTP-2066-0245 – Track 1;
- c. The phrase [REDACTED] in lines 843 and 844 of DRC-OTP-2066-0245 – Track 1;
- d. The phrase [REDACTED] in line 848 of DRC-OTP-2066-0245 – Track 1; and

- (3) Orders the Prosecutor to implement the redactions set out in paragraph (2) without delay and to disclose the transcript to the Defence.
- (4) The reasons for the decision will be given in due course.

Done in both English and French, the English version being authoritative.



Judge Erkki Kourula
Presiding Judge

Dated this 19th day of June 2014

At The Hague, The Netherlands