



Original: **French**

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

Date: **11 July 2017**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Péter Kovács

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public Document

**Order Instructing the Registry to Reclassify
Document ICC-01/04-01/06-3274-Conf-Exp-AnxI**

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

Office of the Prosecutor

Counsel for Thomas Lubanga Dyilo

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of V01 Victims

Mr Luc Walley

Mr Franck Mulenda

Legal Representatives of Applicants

Legal Representatives of V02 Victims

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II (“Chamber”) of the International Criminal Court, acting pursuant to regulation 23 *bis*(3) of the Regulations of the Court, issues the following order.¹

1. On 22 November 2016, the Chamber invited the Government of the Democratic Republic of the Congo (DRC) to provide it with information on the participation of child soldiers in programmes for the disarmament, demobilization and reintegration of armed groups in Ituri (“Order of 22 November 2016”).²

2. On 20 February 2017, after an extension of time granted by the Chamber,³ the Registry⁴ relayed to the Chamber the DRC Government’s observations in response to the Order of 22 November 2016, with an Annex containing information on the participation of child soldiers in the above-mentioned programmes (“Document ICC-01/04-01/06-3274-Conf-Exp-AnxI”).⁵

3. The Chamber notes that Document ICC-01/04-01/06-3274-Conf-Exp-AnxI is classified as “confidential *EX PARTE* Registry”. The Chamber also notes, however, that Document ICC-01/04-01/06-3274-Conf-Exp-AnxI contains information material to the underlying issues in these proceedings. The Chamber is, therefore, of the view that the document should be available to the Parties.

¹ Judge Herrera Carbuca reiterates her opinions of 15 July 2016 (ICC-01/04-01/06-3217-Anx-tENG) and 25 October 2016 (ICC-01/04-01/06-3252-Anx-tENG).

² “Order inviting the Government of the Democratic Republic of the Congo to submit observations on the participation of child soldiers in programmes for the disarmament, demobilisation and reintegration of armed groups in Ituri”, 22 November 2016, ICC-01/04-01/06-3260-tENG.

³ Email from the Chamber to the Registry, 21 December 2016 at 12.38.

⁴ “Transmission des observations du Gouvernement de la République démocratique du Congo en réponse à l’Ordonnance ICC-01/04-01/06-3260”, 20 February 2017, ICC-01/04-01/06-3274.

⁵ Annex to “Transmission des observations du Gouvernement de la République démocratique du Congo en réponse à l’Ordonnance ICC-01/04-01/06-3260”, 20 February 2017, ICC-01/04-01/06-3274-Conf-Exp-AnxI.

FOR THESE REASONS, the Chamber

INSTRUCTS the Registry to immediately reclassify Document ICC-01/04-01/06-3274-Conf-Exp-AnxI as “confidential”.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccia

[signed]

Judge Péter Kovács

Dated this 11 July 2017

At The Hague, Netherlands