

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **13 April 2021**

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

Order on the reclassification of documents

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart

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 Applicants

Legal Representatives of Victims V02

Ms Carine Bapita Buyangandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

Unrepresented Victims

**Unrepresented Applicants for
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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (the ‘Lubanga case’), having regard to article 75 of the Rome Statute, rule 96 of the Rules of Procedure and Evidence (‘Rules’), and regulation 23bis(3) of the Regulations of the Court (‘Regulations’), issues this Order on the reclassification of documents (the ‘Order’).

1. On 4 March 2021, the Chamber, in its prior composition, ordered the Legal Representative for Victims (‘LRVs’), the Office of the Public Counsel for Victims (‘OPCV’), the Trust Fund for Victims (‘TFV’), and the Registry, to submit public redacted versions or request the reclassification as public of all filings cited in a decision issued on 14 December 2020.¹

2. On 26 March 2021, the Chamber, *inter alia*, extended the cut-off date for the submissions of the last complete dossiers of applications for reparations to 1 October 2021 and directed the LRVs, the TFV, the OPCV, and the VPRS to file public redacted versions of their underlying filings and to submit observations to the Chamber as to the appropriateness of making the final cut-off date public.²

3. Noting the submissions and filings made in compliance with the orders referred above,³ and pursuant to regulation 23 bis(3) of the Regulations, the Chamber hereby orders the reclassification as public, without redactions, of the following documents

A. Filings from the LRVs, the OPVC, and the TFV:

- i. ICC-01/04-01/06-3293-Conf-Corr-Anx;
- ii. ICC-01/04-01/06-3484-Conf;
- iii. ICC-01/04-01/06-3486-Conf;
- iv. ICC-01/04-01/06-3480-Conf;

¹ Deuxième ordonnance relative à la décision du 14 décembre 2020, 4 March 2021, ICC-01/04-01/06-3504-Conf-Exp, referring to the Rectificatif de la Décision faisant droit à la requête du Fonds au profit des victimes du 21 septembre 2020 et approuvant la mise en œuvre des réparations collectives prenant la forme de prestations de services, 14 December 2020 (*corrigendum* filed on 5 March 2021), ICC-01/04-01/06-3495-Conf-Exp-Corr (public redacted version filed on 5 March 2020, [ICC-01/04-01/06-3495-Red-Corr](#)).

² Decision on the submissions by the Legal Representative of Victims V01 in its Response to the Twelfth Report of the Trust Fund for Victims on the implementation of collective reparations, filing ICC-01/04-01/06-3500-Conf-Exp, 26 March 2021, ICC-01/04-01/06-3508-Conf-Exp.

³ Email from the OPCV to the Chamber’s Legal Officer, 19 March 2021 at 14:03 hrs; Demande de reclassification comme « publiques » et d’expurgation des écritures des Représentants légaux V02 citées dans la décision ICC-01/04-01/06-3495-Conf-Exp du 14 décembre 2020, conformément à la deuxième ordonnance ICC-01/04-01/06-3504-Conf-Exp du 04 mars 2021 relative à la décision du 14 décembre 2020, 31 March 2020, [ICC-01/04-01/06-3509](#); Trust Fund for Victims’s Request for Reclassification, 6 April 2021, [ICC-01/04-01/06-3510](#); Email from the OPCV to the Chamber’s Legal Officer, 7 April 2021 at 15:44 hrs; Email from the OPCV to the Chamber’s Legal Officer, 9 April 2021 at 11:22 hrs.

- v. ICC-01/04-01/06-3483-Conf;
- vi. ICC-01/04-01/06-3488-Conf;
- vii. ICC-01/04-01/06-3491-Conf-Exp-AnxA;
- viii. ICC-01/04-01/06-3502-Conf-Exp;
- ix. ICC-01/04-01/06-3498-Conf-Exp; and
- x. ICC-01/04-01/06-3505-Conf-Exp.

B. Decisions:

- i. ICC-01/04-01/06-3508-Conf-Exp;
- ii. ICC-01/04-01/06-3496-Conf-Exp;
- iii. ICC-01/04-01/06-3489-Conf;
- iv. ICC-01/04-01/06-3469-Conf; and
- v. ICC-01/04-01/06-3469-Conf-ENG;
- vi. ICC-01/04-01/06-3440-Conf; and
- vii. ICC-01/04-01/06-3440-Conf-ENG.

4. In order to give full effect to the principle of publicity of the reparations proceedings, the Chamber hereby orders the parties, the Registry, and the TFV to review their previous submissions in the case record and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification of all their filings and annexes currently classified as confidential or confidential *ex parte*, by 12 May 2021, at the latest. For future filings, the parties, the Registry, and the TFV are directed to file their documents publicly, to the extent possible, or file public redacted versions of confidential documents as expeditiously as possible, preferably simultaneously.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,

ORDERS the reclassification as public, without redactions of filings: ICC-01/04-01/06-3293-Conf-Corr-Anx; ICC-01/04-01/06-3484-Conf; ICC-01/04-01/06-3486-Conf; ICC-01/04-01/06-3480-Conf; ICC-01/04-01/06-3483-Conf; ICC-01/04-01/06-3488-Conf; ICC-01/04-01/06-3491-Conf-Exp-AnxA; ICC-01/04-01/06-3502-Conf-Exp; ICC-01/04-01/06-3498-Conf-Exp; and ICC-01/04-01/06-3505-Conf-Exp.

ORDERS the reclassification as public, without redactions of decisions: ICC-01/04-01/06-3508-Conf-Exp; ICC-01/04-01/06-3496-Conf-Exp; ICC-01/04-01/06-3489-Conf; ICC-01/04-

01/06-3469-Conf; ICC-01/04-01/06-3469-Conf-ENG; ICC-01/04-01/06-3440-Conf; and ICC-01/04-01/06-3440-Conf-ENG; and

ORDERS the parties, the Registry, and the TFV to review their previous submissions in the case record and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification of all their filings and annexes currently classified as confidential or confidential *ex parte*, by 12 May 2021, at the latest.

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



Judge Chang-ho Chung, Presiding Judge



Judge Péter Kovács



Judge María del Socorro Flores Liera

Dated this Tuesday, 13 April 2021

At The Hague, The Netherlands