

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-01/06 OA19

Date: 25 August 2011

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko
Judge Sanji Mmasenono Monageng

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Confidential

**Prosecution's Provision of Information Pursuant to the Appeals Chamber's "Order
in relation to confidential filings"**

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

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

Ms Paolina Massidda

States Representatives

Amicus Curiae

Ms Liesbeth Lijnzaad, the Government of
the Kingdom of the Netherlands

The Democratic Republic of the Congo

REGISTRY

Registrar

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

Ms Maria Luisa Martinod-Jacome

Mr Andres Backman

**Victims Participation and Reparations
Section**

Other

Mr Ghislain Mabanga Monga Mabanga

1. On 24 August 2011 the Appeals Chamber issued its "Order in relation to confidential filings", instructing the Kingdom of the Netherlands and the Prosecution to indicate by 25 August 2011 the factual and legal basis for filing as confidential their recent submissions before the Appeals Chamber on the conduct of this appeal.¹ The Prosecution hereby provides the requested information to the Appeals Chamber.
2. Having the Kingdom of the Netherlands filed its "Urgent Request for Directions" confidentially, the Prosecution was duty-bound to respond to that submission with the same classification, as mandated by Regulation 23bis (2). This is the reason why the document entitled "Prosecutor's Response to the Government of the Kingdom of the Netherlands 'Urgent Request for Directions'" (ICC-01/04-01/06-2792-Conf) was filed confidentially.
3. In addition, the Prosecution notes that both the decision which the Kingdom of the Netherlands seeks to have reversed,² as well as the decision certifying the issues for appeal,³ were issued as "confidential" by Trial Chamber I.



Luis Moreno-Ocampo,
Prosecutor

Dated this 25th day of August 2011
At The Hague, The Netherlands

¹ ICC-01/04-01/06-2794-Conf.

² ICC-01/04-01/06-2766-Conf

³ ICC-01/04-01/06-2779-Conf