



Original: English

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

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*

Public

Response to "Order in relation to confidential filings" (ICC-01/04-01/06-2794-Conf)

Source: The Government of the Kingdom of the Netherlands

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu
Mr Hervé Diakiese

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

The Kingdom of the Netherlands

Amicus Curiae

Democratic Republic of the Congo

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Mr Anders Backman

**Victims Participation and Reparations
Section**

Other

Mr Ghislain Mabanga Monga Mabanga

1. On 17 August 2011 the Netherlands filed its "Urgent Request for Directions" ("Request") to the Appeals Chamber.¹ On 25 August 2011 it received by Note Verbale of the Registry of the Court the Appeals Chamber's "Order in relation to confidential filings" of 24 August 2011.²
2. The Appeals Chamber orders the Netherlands to indicate by 25 August 2011 the factual and legal basis for filing the Request as confidential to determine whether it should be kept confidential.
3. The Netherlands does not consider it necessary that the Request remain confidential. The Request had been classified confidential out of courtesy given that other filings in the same case had also been classified as such. Therefore the Netherlands agrees with the reclassification of the Request.
4. The Netherlands would suggest that the Court would reflect on the appropriateness of the duration of the delay it has been given for reply.


E. Lijnzaad
Legal Adviser of the Ministry of Foreign Affairs
on behalf of
the Government of the Kingdom of the Netherlands



Dated this 25 August 2011

At The Hague, the Netherlands

¹ ICC-01/04-01/06-2788-Conf.

² ICC-01/04-01/06-2794-Conf.

