

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 April 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

Confidential

**Order relating to the Prosecutor's response to Mr Lubanga's article 70
investigation request**



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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

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

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),

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

Noting paragraph 19 of the "Prosecution Response to '*Requête de la Défense de M. Lubanga aux fins de communication d'éléments de preuve recueillis par le Procureur dans le cadre des enquêtes conduites en vertu de l'Article 70*'" of 25 March 2014 (ICC-01/04-01/06-3069-Conf), in which the Prosecutor offers to provide the Appeals Chamber on an *ex parte* and confidential basis with a report prepared by Mr Mark Harmon,


Recalling that, in a situation where the Prosecutor decides to undertake an investigation, she has an ongoing obligation to disclose material pursuant to article 67 (2) of the Statute and rule 77 of the Rules of Procedure and Evidence,

Issues the following

ORDER

The Prosecutor is requested to provide, in a confidential and *ex parte* filing and by 16h00 on 7 April 2014, the above-mentioned report to the Appeals Chamber.

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



Judge Erkki Kourula
Presiding Judge

Dated this 3rd day of April 2014

At The Hague, The Netherlands