

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

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

Date: **26 September 2016**

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***

Confidential

Ex parte, available only to the Defence team for Thomas Lubanga Dyilo

**Order relating to the request of the Defence team for Thomas Lubanga Dyilo
of 20 September 2016**

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

Legal Representatives of V02 Victims

Office of Public Counsel for Victims

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Trust Fund for Victims

TRIAL CHAMBER II ("the Chamber") of the International Criminal Court issues the following order.

1. On 15 July 2016, the Chamber issued an order inviting the States concerned, as well as any organisations which might so wish, to submit their observations on current or past collective projects for former child soldiers in the east of the Democratic Republic of the Congo (DRC) and to present it with proposals for collective projects to support the setting up of a range of collective reparation projects for the former child-soldier victims of Mr Lubanga.¹ In that connection, the Chamber informed the parties, the TFV and the Registry of its plans to hold a public hearing in their presence on 11, 13 and 14 October 2016² ("the Hearings").

2. On 20 September 2016, the Defence team for Thomas Lubanga Dyilo ("the Defence" and "Mr Lubanga", respectively) filed a request asking the Chamber to order Mr Lubanga's appearance at the Hearings via video-link³ ("the Request").

3. The Chamber reiterates that the Hearings will be public and will be held in the presence of the parties and the TFV. In this regard, the Chamber notes that the Request was submitted as a confidential *ex parte* filing available only to the Defence and the Registry, but that the Defence did not state the reasons for this classification in accordance with regulation 23 *bis*(3) of the Regulations of the Court. Consequently, the Chamber instructs the Defence to declassify its Request or file a redacted version available at least to the Legal Representatives of Victims and the Office of Public Counsel for Victims and to state the reasons for the classification of its Request, by 27 September 2016 at 4 p.m.

4. Moreover, given the logistical implications of the Request and in view of security concerns, the Chamber instructs the Registry to submit by

¹ "Order pursuant to rule 103 of the Rules of Procedure and Evidence", 15 July 2016, ICC-01/04-01/06-3217-tENG ("the Order of 15 July 2015").

² Order of 15 July 2015, para. 11.

³ "*Requête de la Défense de Monsieur Thomas Lubanga aux fins de comparution de Monsieur Lubanga par video-link lors des audiences des 11, 13 et 14 octobre 2016*", dated 20 September 2016 and registered on 21 September 2016, ICC-01/04-01/06-3225-Conf-Exp.

30 September 2016 its observations on the feasibility of the Request and the modalities for implementing it.

FOR THESE REASONS, the Chamber

INSTRUCTS the Defence to declassify its Request or file a redacted version, as indicated in paragraph 3 of this Order, by 27 September 2016 at 4 p.m.; and

INSTRUCTS the Registry to file its observations on the feasibility of the Request, as indicated in paragraph 4 of this Order, by 30 September 2016.

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 26 September 2016

At The Hague, the Netherlands