

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-01/06 OA 18

Date: 6 October 2010

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 document

Order

on the reclassification of a document

Shs

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Paul Kabongo Tshibangu
Ms Carine Bapita Buyangandu
Mr Luc J. M. Walley

REGISTRY

Registrar

Ms Silvana Arbia

Shs

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber I entitled “Decision on the Prosecution’s Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with VWU” of 8 July 2010 (ICC-01/04-01/06-2517),

Having before it the “Prosecution’s observations on ‘Registry’s additional information relevant to the “Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process”” of 1 September 2010 (ICC-01/04-01/06-2564-Conf),

Unanimously,

Issues the following

ORDER

The Registrar shall reclassify as public the “Prosecution’s observations on ‘Registry’s additional information relevant to the “Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process”” of 1 September 2010 (ICC-01/04-01/06-2564-Conf).

REASONS

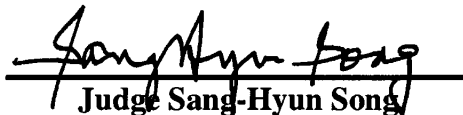
1. The document which is subject to this order was filed confidentially by the Prosecutor solely on the basis that it referred to a document filed confidentially by the Registrar.¹ As a public redacted version of the Registrar’s document has now been filed,² there is no longer a need to maintain the confidentiality of the Prosecutor’s filing.

Shs

¹ “Prosecution’s observations on ‘Registry’s additional information relevant to the “Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process””, 1 September 2010, ICC-01/04-01/06-2564-Conf, footnote 1.

² “Registry’s additional information relevant to the ‘Prosecution’s Document in Support of Appeal against Trial Chamber I’s decision of 8 July 2010 to stay the proceedings for abuse of process”, 4 October 2010, ICC-01/04-01/06-2551-Red.

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



Judge Sang-Hyun Song
Presiding Judge

Dated this 6th day of October 2010

At The Hague, The Netherlands