

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 March 2011

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

*SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE CASE
OF THE PROSECUTOR v. THOMAS LUBANGA DYILO*

Public

**Order varying the Decision on the "Quatrième requête de la Défense aux fins de
dépôt de documents"**

Order 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 Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

Legal Representatives of the Applicants

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

Ms Paolina Massidda

Ms Sarah Pellet

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber I ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court"), in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, issues the following Order varying the Decision on the "Quatrième requête de la Défense aux fins de dépôt de documents":¹

1. On 2 March 2011, the Chamber issued the "Decision on the "Quatrième requête de la Défense aux fins de dépôt de documents"" ("Decision on the Fourth Request"), in which it admitted into evidence the documents in Annexes 12 – 43 to the fourth defence request² for the admission of documents and instructed the Registry to assign them EVD numbers.³
2. It was brought to the attention of the Chamber that one of the documents dealt with in the Chamber's Decision on the Fourth Request, Annex 22 to the defence request (DRC-OTP-0209-0086), had already been assigned an EVD number.⁴
3. This document had been submitted to the Chamber in a previous request for the admission of documents,⁵ and was admitted into evidence by the Chamber in its "Decision on the "Troisième requête de la Défense aux fins de dépôt de documents"" ("Decision on the Third Request").⁶ The Registrar subsequently assigned the EVD number EVD-D01-00843 to the document,⁷ as instructed by the Chamber.

¹ Decision on the "Quatrième requête de la Défense aux fins de dépôt de documents, 3 March 2011, ICC-01/04-01/06-2693-Conf. A public redacted version was issued on 8 March 2011, ICC-01/04-01/06-2693-Red.

² Quatrième requête de la Défense aux fins de dépôt de documents, 26 November 2010, ICC-01/04-01/06-2644-Conf.

³ ICC-01/04-01/06-2693-Red, paragraph 35.

⁴ Email communication from the Registry to the Trial Chamber through a Legal Officer to the Trial Division on 4 March 2011.

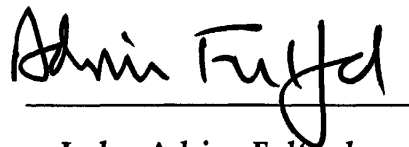
⁵ The document was submitted as page 39 of the 123-page Annex 12 to the "Troisième requête de la Défense aux fins de dépôt de documents", 8 November 2010, ICC-01/04-01/06-2604-Conf-Anx12.

⁶ Decision on the "Troisième requête de la Défense aux fins de dépôt de documents", 17 December 2010, paragraph 45.

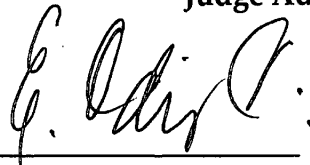
⁷ Annex 1 to the Registrar's report on the implementation of the Chamber's decisions ICC-01/04-01/06-2662-Conf and ICC-01/04-01/06-2664-Conf related to the admission of documents into evidence, 4 January 2011, ICC-01/04-01/06-2669-Conf-Anx1, page 5.

4. Given the document was admitted into evidence pursuant to the Decision on the Third Request and was assigned an EVD number at the time, it is unnecessary to assign a further EVD number at this stage.
5. The Chamber therefore revokes this limited element of the Decision on the Fourth Request, which in any event had not been acted on by the Registrar when implementing the decision.⁸ Document DRC-OTP-0209-0086 will, therefore, retain the number EVD-D01-00843 as originally assigned.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 29 March 2011

At The Hague, The Netherlands

⁸ Registrar's Report on the Implementation of the "Decision on the "Quatrième requête de la Défense aux fins de dépôt de documents" (ICC-01/04-01/06-2693-Conf.), 9 March 2011, ICC-01/04-01/06-2700, page 3.