



Original: English

No. ICC-01/04-01/06 A7 A8

Date: 28 June 2019

THE APPEALS CHAMBER

Before:

**Judge Piotr Hofmański, Presiding Judge
Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa**

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

Order on the filing of public versions of documents

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

Legal Representatives of V01 Victims

Mr Luc Walley
Mr Franck Mulenda

Counsel for the Defence

Ms Catherine Mabile
Mr Jean-Marie Biju-Duval

Legal Representatives of V02 Victims

Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo

Trust Fund for Victims

Mr Pieter de Baan

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeals of the legal representatives of the V01 group of victims and of Mr Thomas Lubanga Dyilo against the decision of Trial Chamber II entitled ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’ of 15 December 2017 (ICC-01/04-01/06-3379-Red-Corr-tENG),

Pursuant to regulation 23*bis* of the Regulations of the Court,

Issues the following

ORDER

1. The legal representatives of the V01 group of victims shall file, by 16h00 on 5 July 2019, a public version of ICC-01/04-01/06-3448-Conf and its translation, ICC-01/04-01/06-3448-Conf-tENG, with redactions where considered necessary, or request their reclassification as ‘public’.
2. The Office of Public Counsel for Victims shall file, by 16h00 on 5 July 2019, a public version of ICC-01/04-01/06-3449-Conf, with redactions where considered necessary, or request its reclassification as ‘public’.
3. The legal representatives of the V02 group of victims shall file, by 16h00 on 5 July 2019, a public version of ICC-01/04-01/06-3450-Conf-Corr and its translation, ICC-01/04-01/06-3450-Conf-Corr-tENG, as well as its annex, ICC-01/04-01/06-3450-Conf-Corr-Anx, and its translation ICC-01/04-01/06-3450-Conf-Corr-Anx-tENG, with redactions where considered necessary, or request their reclassification as ‘public’.

REASONS

1. On 7 February 2019, Trial Chamber II issued its ‘Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations’ (hereinafter: ‘Decision Approving TFV’s Proposals’).¹

¹ [ICC-01/04-01/06-3440-Red-tENG](#).

2. On 20 March 2019, Mr Thomas Lubanga Dyilo (hereinafter: ‘Mr Lubanga’) filed the ‘Defence Application for Suspension of the “*Décision approuvant les propositions du Fonds au profit des victimes portant sur la procédure visant à localiser et décider de l’admissibilité aux réparations des nouveaux demandeurs*” Issued on 7 February 2019 by Trial Chamber II’² (hereinafter: ‘Request’).
3. On 21 March 2019, Mr Lubanga filed a public redacted version of the Request.³
4. On 25, 26 and 27 March 2019, the legal representative of the V01 group of victims (hereinafter: ‘Victims V01’), the Office of Public Counsel for Victims (hereinafter: ‘OPCV’), and the legal representative of the V02 group of victims (hereinafter: ‘Victims V02’), respectively filed confidential responses to the Request.⁴
5. Regulation 23bis(1) of the Regulations of the Court requires that, should a participant wish to file a document as ‘confidential’, the participant must ‘state the factual and legal basis for the chosen classification’. If there is no such basis, a document should be filed as ‘public’ or ‘public redacted’.
6. The Appeals Chamber notes that Victims V01 indicate that their response is confidential because they are responding to a confidential filing,⁵ while Victims V02

² ICC-01/04-01/06-3447-Conf; an English translation of the confidential version was registered on 26 March 2019 (ICC-01/04-01/06-3447-Conf-tENG).

³ ‘Public Redacted Version of “Defence Application for Suspension of the ‘*Décision approuvant les propositions du Fonds au profit des victimes portant sur la procédure visant à localiser et décider de l’admissibilité aux réparations des nouveaux demandeurs*’ Issued on 7 February 2019 by Trial Chamber II” (ICC-01/04-01/06-3447-Conf)’, 21 March 2019, [ICC-01/04-01/06-3447-Red](#); an English translation of the public redacted filing was registered on 26 March 2019 ([ICC-01/04-01/06-3447-Red-ENG](#)).

⁴ Victims V01, ‘Response of the Legal Representatives of V01 Victims to the Defence Application for Suspension of the “*Décision approuvant les propositions du Fonds au profit des victimes portant sur la procédure visant à localiser et décider de l’admissibilité aux réparations des nouveaux demandeurs*” Issued on 7 February 2019’, 25 March 2019, ICC-01/04-01/06-3448-Conf; an English translation was registered on 5 April 2019 (ICC-01/04-01/06-3448-Conf-tENG) (hereinafter: ‘Victims V01’s Response’); OPCV, ‘OPCV Response to the “Requête de la Défense aux fins de suspension de la «*Décision approuvant les propositions du Fonds au profit des victimes portant sur la procédure visant à localiser et décider de l’admissibilité aux réparations des nouveaux demandeurs*» rendue le 7 février 2019 par la Chambre de première instance II”’, 26 March 2019, ICC-01/04-01/06-3449-Conf (hereinafter: ‘OPCV’s Response’); Victims V02, ‘Corrected version of Response of the Legal Representatives of the V02 Group of Victims to the Defence Application for Suspension of the “*Décision approuvant les propositions du Fonds au profit des victimes portant sur la procédure visant à localiser et décider de l’admissibilité aux réparations des nouveaux demandeurs*” Issued on 7 February by Trial Chamber II (ICC-01/04-01/06-3447-Conf) (ICC-01/04-01/06-3450-Conf)’, 27 March 2019, ICC-01/04-01/06-3450-Conf-Corr-tENG (hereinafter: ‘Victims V02’s Response’).

⁵ Victims V01’s Response, para. 7.

and OPCV submit that they filed their responses as confidential pursuant to the classification of the Request.⁶ The Appeals Chamber observes that both the Request and the Trial Chamber II's decision of which the Request seeks suspension are currently available in public redacted versions.⁷ The Appeals Chamber therefore directs, on its own motion, Victims V01, Victims V02 and OPCV to file public versions of their responses, taking into account any redactions made to the aforementioned documents, by 16h00 on 5 July 2019.

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



Judge Piotr Hofmański
Presiding Judge

Dated this 28th day of June 2019

At The Hague, The Netherlands

⁶ Victims V02's Response, para. 1; OPCV's Response, para. 4.

⁷ [Request](#); [Decision Approving TFV's Proposals](#).