

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 March 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Under seal

**DECISION CONCERNING THE REDACTED VERSION OF THE
PROSECUTION'S APPLICATION AND THE PROSECUTION'S SUBMISSIONS
OF FURTHER INFORMATION AND MATERIALS**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Mrs Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf, Senior Trial Lawyer

I, Judge Sylvia Steiner, judge at the International Criminal Court;

NOTING the Prosecution's "Submission of Formatted and Redacted Documents"¹ (the "Prosecution's Submission") and Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 to the Prosecution's Submission, filed by the Prosecution under seal and "*ex parte*, Prosecutor only", in which the Prosecution submitted "'formatted' and - where applicable - redacted versions of the following filings, together with their respective annexes: (i) ICC-01/04-98-US-Exp and ICC-01/04-98-US-Exp-Anx1 to 10; (ii) ICC-01/04-104-US-Exp and ICC-01/04-104-US-Exp-Anx1 to 3; and ICC-01/04-106-US-Exp and ICC-01/04-106-US-Exp-Anx1 to 10";²

NOTING the decision of Pre-Trial Chamber I (the "Chamber") of 14 March 2006 designating Judge Sylvia Steiner as single judge of the Chamber in the case of the Prosecutor v. Thomas Lubanga Dyilo from 15 to 22 March 2006 at 12.00 hours;³

NOTING articles 57 (3) (c), 67 (1) and 68 (1) of the Rome Statute (the "Statute") and Rules 87 (2) (c) and 88 (4) of the Rules of Procedure and Evidence (the "Rules");

CONSIDERING that, as a consequence of formatting the documents in the Prosecutor's Submission, the paragraph numbers of the formatted documents have been adjusted⁴ and the references to such documents in the formatted version of Pre-Trial Chamber I's decision of 10 February 2006 and in the redacted version of Pre-Trial Chamber I's decisions of 20 and 31 January 2006 are now inconsistent;

¹ ICC-01/04-01/06-32-US-Exp.

² Prosecution's Submission, para. 3.

³ ICC-01/04-01/06-33-US.

⁴ Prosecution's Submission, para. 5.

CONSIDERING that such inconsistencies would no longer exist if the Prosecution were first to identify which of the documents filed in Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 to the Prosecution's Submission have been formatted, and then file redacted versions of the non-formatted versions of such documents;

CONSIDERING that Mr Thomas Lubanga Dyilo has the right to access all documents filed in Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 to the Prosecution's Submission as well as the documents filed by the Prosecution pursuant to the present decision as soon as he is transferred to the premises of the Court in The Hague or as soon as practicable thereafter;

CONSIDERING that from the two official languages of the Court, French is also one of the official languages of the DRC; that it appears from the Prosecution's Application for a warrant of arrest against Mr. Thomas Lubanga Dyilo that French is a language that he fully understands and speaks⁵; and that it would be preferable, where a French version exist, to have available first the redaction of the French versions of the documents;

FOR THESE REASONS

REQUEST the Prosecution to identify which of the documents filed in Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 of the Prosecution's Submission have been formatted;

REQUEST the Prosecution to file, as soon as practicable, a redacted version of:

- (a) the Prosecution's Submission; and

⁵ ICC-01/04-01/06-13-US-Exp, para. 66; and ICC-01/04-01/06-32-US-Exp-AnxA, para. 55.

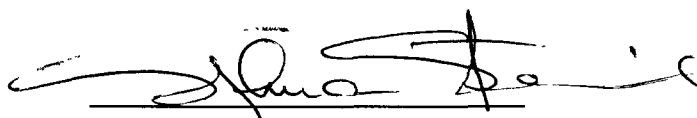
(b) the filings mentioned below, together with their respective annexes, of which a formatted version was included in Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 to the Prosecution's Submission:

- (i) ICC-01/04-98-US-Exp and ICC-01/04-98-US-Exp-Anx1 to 10;
- (ii) ICC-01/04-104-US-Exp and ICC-01/04-104-US-Exp-Anx1 to 3;
and
- (iii) ICC-01/04-106-US-Exp and ICC-01/04-106-US-Exp-Anx1 to 10⁶

REQUEST the Prosecution to file the redacted versions of the above-mentioned documents under seal but not "*ex parte*, Prosecutor only";

ORDER the Registrar to re-classify Annexes A, A1 to A10, B, B1, B2, C and C1 to C10 of the Prosecution's Submission from under seal and "*ex parte*, Prosecutor only" to under seal.

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 15 March 2006

At The Hague

The Netherlands

⁶ Prosecution's Submission, para. 3.