

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/06

Date: 17 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**

Public Document

**DECISION TO UNSEAL THE WARRANT OF ARREST AGAINST MR THOMAS
LUBANGA DYILO AND RELATED DOCUMENTS**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the “Prosecution’s Request for Unsealing the Arrest Warrant”¹ (the “Prosecution’s Request”), in which the Prosecution (i) requests that the arrest warrant against Mr Thomas Lubanga Dyilo be unsealed immediately after the aircraft carrying Mr Thomas Lubanga Dyilo has left the airspace of the Democratic Republic of the Congo (the “DRC”)² and (ii) indicates that it has a strong preference for the Prosecution’s Application for a warrant of arrest pursuant to article 58 and the decision of Pre-Trial Chamber I on the Prosecution’s Application for the warrant of arrest against Mr Thomas Lubanga Dyilo to remain under seal;³

NOTING the “Decision Convening an in Camera Meeting” (the “Decision”),⁴ filed on 16 March 2006, by which an *in camera* meeting was convened with the Prosecutor and the Registrar, or their respective representatives, on Friday 17 March 2006 at 11.00 hours in Room 1506 to deal *inter alia* with the Prosecution’s Request;⁵ and the meeting held as set out in the Decision;

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 until 22 March 2006 at 12.00 hours;⁶

¹ ICC-01/04-01/06-30-US-Exp.

² Prosecution’s Request, para. 15.

³ *Ibid*, para. 14.

⁴ ICC-01/04-01/06-36-US.

⁵ The Decision, p. 3,

⁶ ICC-01/04-01/06-33-US.

NOTING articles 57 (3) (c), 67 (1) and 68 (1) of the Rome Statute (the “Statute”), rules 87 (2) (c) and 88 (4) of the Rules of Procedure and Evidence (the “Rules”), and regulation 8 (c) of the Regulations of the Court;

CONSIDERING that the DRC authorities have already executed the cooperation request for the arrest and surrender of Mr Thomas Lubanga Dyilo filed on 24 February 2006 and transmitted to the DRC authorities by the Registrar on 14 March 2006; that Mr Thomas Lubanga Dyilo is currently under the custody of officials of the Court; and that there is no longer any reason to maintain the warrant of arrest against him and related documents under seal;

CONSIDERING that regulation 8 (c) of the Regulations of the Court requires publication on the website of the Court of all “decisions and orders of the Court and other particulars of each case brought before the Court as described in rule 15”;

CONSIDERING that the protection of victims and witnesses does not require additional redactions in the corrected formatted version of PTC I’s decision on the Prosecution’s application pursuant to article 58⁷ and on the warrant of arrest⁸ against Mr Thomas Lubanga Dyilo itself;

⁷ 01/04-01-06-8-US-Corr.

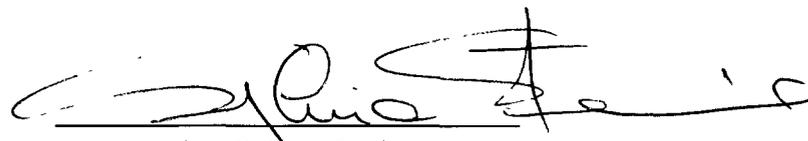
⁸ ICC-01/04-01-06-2-US.

FOR THESE REASONS

DECIDE to unseal and to reclassify as public documents the following documents:

- (a) ICC-01/04-01-06-2-US;
- (b) ICC-01/04-01-06-8-US; and 01/04-01-06-8-US-Corr;

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



Judge Sylvia Steiner
Single Judge

Dated this Friday 17 March 2006

At The Hague

The Netherlands