**Cour
Pénale
Internationale**

**International
Criminal
Court**

Original: **English**

No: **ICC-01/04-01/06**
Date: **20 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 AND RECLASSIFY CERTAIN DOCUMENTS IN THE
RECORD OF THE CASE AGAINST MR THOMAS LUBANGA DYILO**

The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Duty Counsel for the Defence
Mr Jean Flamme

N° **ICC-01/04-01/06**   1/8   **20 March 2006**

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 Prosecutor indicates that he has a strong preference for his application for a warrant of arrest against Mr Thomas Lubanga Dyilo under article 58 of the Rome Statute to remain under seal;[2]

NOTING the "Decision Convening an in Camera Meeting" (the "Decision"),[3] filed by Judge Sylvia Steiner acting as single judge of Pre-Trial Chamber I on 16 March 2006, which convened an *in camera* meeting 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;[4] and the meeting held as set out in the Decision;

NOTING the "Decision to Unseal the Warrant of Arrest against Mr Thomas Lubanga Dyilo and Related Documents", filed by Judge Sylvia Steiner acting as single judge of Pre-Trial Chamber I on 17 March 2006, which states that Mr Thomas Lubanga Dyilo is currently under the custody of officials of the Court and that there is no longer any reason for the warrant of arrest against him or related documents to remain under seal;

NOTING that documents ICC-01/04-01/06-3-US-Exp, ICC-01/04-01/06-5-US-Exp, ICC-01/04-01/06-6-US-Exp, ICC-01/04-01/06-20-US-Exp and ICC-01/04-01/06-25-US-Exp previously included in the record of the case against

---

[1] ICC-01/04-01/06-30-US-Exp.
[2] Idem, para. 14.
[3] ICC-01/04-01/06-36-US.
[4] The Decision, p. 3.

N° **ICC-01/04-01/06**   2/8   **20 March 2006**

Mr Thomas Lubanga Dyilo and classified under seal and *"ex parte,* Prosecution only" have been transferred to the record of the situation in the Democratic Republic of the Congo (the "DRC"), and that they have been classified under seal and *"ex parte,* Prosecution only" and assigned the following reference numbers in the record of the situation in the DRC: ICC-01/04-125-US-Exp, ICC-01/04-126-US-Exp, ICC-01/04-127-US-Exp, ICC-01/04-128-US-Exp and ICC-01/04-129-US-Exp;

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;[5]

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 article 67 (1) of the Statute embraces the principle of public hearings, and that regulation 8 (c) of the Regulations of the Court requires all "[D]ecisions and orders of the Court and other particulars of each case brought before the Court as described in rule 15" to be published on the website of the Court;

CONSIDERING that the protection of victims and witnesses requires certain additional redactions in some of the relevant documents before they become public;

FOR THESE REASONS

DECIDE to unseal the following documents:

---

[5] ICC-01/04-01/06-33-US.

- ICC-01/04-01/06-9-US,

- ICC-01/04-01/06-10-US,

- ICC-01/04-01/06-11-US,

- ICC-01/04-01/06-18-US and ICC-01/04-114-US-Exp,

- ICC-01/04-01/06-19-US,

- ICC-01/04-01/06-21-US,

- ICC-01/04-01/06-22-US,

- ICC-01/04-01/06-23-US-Exp,

- ICC-01/04-01/06-24-US-Exp,

- ICC-01/04-01/06-26-US-Exp,

- ICC-01/04-01/06-27-US,

- ICC-01/04-01/06-28-US,

- ICC-01/04-01/06-29-US,

- ICC-01/04-01/06-30-US-Exp and ICC-01/04-01/06-30-US-Exp-Anx1,

- ICC-01/04-01/06-31-US-Exp,

- ICC-01/04-01/06-32-US-AnxA-A10 + AnxB-B2 + AnxC-C10,

- ICC-01/04-01/06-33-US,

- ICC-01/04-01/06-34-US,

- ICC-01/04-01/06-35-US,

- ICC-01/04-01/06-36-US;

DECIDE that the following documents shall remain under seal and "*ex parte,* Prosecution only*"* in both the record of the case against Mr Thomas Lubanga Dyilo and the record of the situation in the DRC until otherwise ordered by the Chamber:

N° **ICC-01/04-01/06**   4/8   **20 March 2006**

- ICC-01/04-01/06-1-US-Exp, ICC-01/04-01/06-1-US-Exp-Corr, ICC-01/04-118-US-Exp and ICC-01/04-118-US-Exp-Corr,

- ICC-01/04-01/06-7-US-Exp and ICC-01/04-119-US-Exp,

- ICC-01/04-01/06-12-US-Exp, ICC-01/04-01/06-12-US-Exp-Anx1 - 10, ICC-01/04-98-US-Exp and ICC-01/04-98-US-Exp-Anx1 - 10,

- ICC-01/04-01/06-13-US-Exp, ICC-01/04-01/06-13-US-Exp-Anx1 - 2, ICC-01/04-99-US-Exp and ICC-01/04-99-US-Exp-Anx1 - 2,

- ICC-01/04-01/06-14-US-Exp and ICC-01/04-102-US-Exp,

- ICC-01/04-01/06-15-US-Exp, ICC-01/04-01/06-15-US-Exp-Anx1 - 3, ICC-01/04-104-US-Exp and ICC-01/04-104-US-Exp-Anx1 - 3,

- ICC-01/04-01/06-16-US-Exp, ICC-01/04-01/06-16-US-Exp-Anx1 - 10, ICC-01/04-106-US-Exp and ICC-01/04-106-US-Exp-Anx1 - 10,

- ICC-01/04-01/06-17-US-Exp and ICC-01/04-108-US-Exp;

DECIDE that the following documents in the record of the case against Mr Thomas Lubanga Dyilo shall remain under seal and *"ex parte*, Prosecution only"* until otherwise ordered by the Chamber, and that their content shall not be accessible to Mr Thomas Lubanga Dyilo or to the public until redacted versions of such documents have been filed:

- ICC-01/04-01/06-4-US-Exp,

- ICC-01/04-01/06-32-US-Exp;

DECIDE that document ICC-01/04-115-US-Exp in the record of the situation in the DRC shall remain under seal and *"ex parte,* Prosecution only"* until otherwise ordered by the Chamber;

DECIDE that document ICC-01/04-01/06-30-US-Exp shall be reclassified as confidential and *"ex parte* Prosecution only" and that its content shall not be accessible to Mr Thomas Lubanga Dyilo or to the public until redacted versions of such document are filed;

DECIDE that the following documents shall be reclassified as confidential:

-   ICC-01/04-01/06-18-US and ICC-01/04-114-US-Exp,

-   ICC-01/04-01/06-23-US-Exp,

-   ICC-01/04-01/06-24-US-Exp,

-   ICC-01/04-01/06-26-US-Exp,

-   ICC-01/04-01/06-31-US-Exp,

-   ICC-01/04-01/06-32-US-AnxA5, AnxA9, AnxB2, AnxC1, AnxC2, AnxC3, AnxC4, AnxC5 and AnxC6;

DECIDE that the following documents shall be reclassified as confidential and that their content shall not be accessible to the public until public redacted versions of these documents have been filed:

-   ICC-01/04-01/06-28-US,

-   ICC-01/04-01/06-29-US,

-   ICC-01/04-01/06-32-US-AnxA5i, Anx10 and AnxC;

REQUEST that the Prosecution file redacted versions of the following documents for Mr Thomas Lubanga Dyilo as soon as practicable:

-   ICC-01/04-01/06-4-US-Exp,

-   ICC-01/04-01/06-30-US-Exp,

N° **ICC-01/04-01/06**   6/8   **20 March 2006**

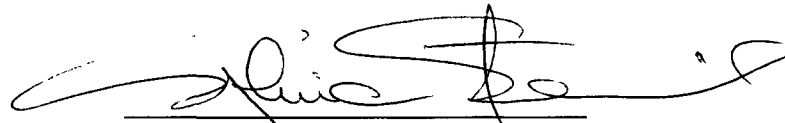- ICC-01/04-01/06-32-US-Exp;

REQUEST that the Prosecution file public redacted versions of the following documents as soon as practicable:

- ICC-01/04-01/06-4-US-Exp,

- ICC-01/04-01/06-30-US-Exp,

- ICC-01/04-01/06-32-US-Exp,

- ICC-01/04-01/06-32-US-AnxA5i, Anx10 and AnxC;

DECIDE that the following documents shall be reclassified as public documents:

- ICC-01/04-01/06-9-US,

- ICC-01/04-01/06-10-US,

- ICC-01/04-01/06-11-US,

- ICC-01/04-01/06-19-US,

- ICC-01/04-01/06-21-US,

- ICC-01/04-01/06-22-US,

- ICC-01/04-01/06-27-US,

- ICC-01/04-01/06-30-US-Exp-Anx1,

- ICC-01/04-01/06-32-US-AnxA1, AnxA2, AnxA3, AnxA4, AnxA4i, AnxA6i, AnxA6ii, AnxA6iii, AnxA8, AnxB, AnxB1, AnxC7, AnxC8, AnxC9 and AnxC10,

- ICC-01/04-01/06-33-US,

- ICC-01/04-01/06-34-US,

- ICC-01/04-01/06-35-US,

- ICC-01/04-01/06-36-US;

N° **ICC-01/04-01/06**   7/8   **20 March 2006**

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

Judge Sylvia Steiner
Single Judge

Dated this Monday 20 March 2006

At The Hague

The Netherlands

N° **ICC-01/04-01/06**   8/8   **20 March 2006**