

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 18 December 2007

TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

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

Public

URGENT

Order on the prosecution's applications for the lifting of redactions, non-disclosure of information and disclosure of summary evidence

Office of the Prosecutor

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

Counsel for the Defence

Ms Catherine Mabile
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

TRIAL CHAMBER I (“Trial Chamber”) of the International Criminal Court (“Court”), in the case of Mr Thomas Lubanga Dyilo, renders the following order on the **prosecution’s applications for the lifting of redactions, non-disclosure of information and disclosure of summary evidence.**

1. The Office of the Prosecutor (“prosecution”) filed the “Prosecution’s Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence” and the “Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)” on the Wednesday 12 and Thursday 13 December 2007 respectively.¹
2. On Friday 14 December 2007, the Trial Chamber ordered any response to these applications to be filed by 16.00 on Monday 17 December 2007.²
3. On Friday 14 December 2007 the Prosecutor filed the “Prosecution’s Application for Lifting of Redactions and Non-Disclosure of Information”.³
4. On Friday 14 December 2007, the prosecution filed a “Prosecution’s request to extend the time limit for disclosure”.⁴
5. The Defence did not respond to the prosecution’s first two applications by the deadline set out in paragraph 2 above.

¹ Prosecution’s Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence, ICC-01/04-01/06-1081 and ICC-01/04-01/06-1081-Conf-Exp. Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f), ICC-01/04-01/06-1086 and ICC-01/04-01/06-1086-Conf-Exp.

² Order amending time-limit to respond to prosecution’s applications for the lifting of redactions, non-disclosure of information and disclosure of summary evidence, ICC-01/04-01/06-1092.

³ Prosecution’s Application for Lifting of Redactions and Non-Disclosure of Information, ICC-01/04-01/06-1087.

⁴ Prosecution’s Request to extend the time limit for disclosure, ICC-01/04-01/06-1093.

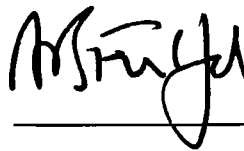
6. On 17 December 2007 the Trial Chamber issued a decision on the prosecution's request to extend the time limit for disclosure.⁵ The Chamber took into account the consultations between the prosecution and the defence as well as the consent of the defence and extended the deadline for the disclosure of the prosecution's case in its entirety to Monday, 17 December 2007 at 11 am.
7. The three applications set out in paragraphs 1 and 3 above were filed extremely late, given the prosecution's obligation to serve its case in its entirety by 4 pm on 14 December 2007. Furthermore, in the view of the Trial Chamber, requests to lift or retain redactions, not to disclose information or to rely on summary evidence either for a limited period or permanently, are likely to involve issues of importance. These matters require careful consideration, item by item, following any submissions from the defence once the latter has had a proper opportunity to consider the issues. In order to consider the applications on their merits and to protect the position of people affected by these applications who may be vulnerably placed, the Chamber will deal with these three applications (as set out in paragraphs 1 and 3 above) during the Status Conference on 9, 10 and 11 January 2008.
8. The defence may file submissions on these applications by 16.00 on Friday 4 January 2007.
9. The prosecution shall serve on the Chamber alone the non-redacted and unaltered videos DRC-OTP-0155-0004; DRC-OTP-1001-0012; DRC-OTP-1001-0014; and DRC-OTP-1002-0006 by 16.00 on Thursday 20 December 2007 so that the Chamber can consider them in advance of the status conference.

⁵ Order on "Prosecution's Request to extend the time limit for disclosure", ICC-01/04-01/06-1095.

10. Pending the Trial Chamber's decision on the three applications, the prosecution shall file the evidence that is affected by the applications in an appropriately redacted or summarised form. As regards those documents for which applications for non-disclosure are outstanding, the Chamber authorises their non-disclosure until there is a ruling on the matter.

Judge Elizabeth Odio Benito was consulted but is unavailable to sign the decision as she is away from the seat of the Court on the day of signature.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 18 December 2007

At The Hague, The Netherlands