

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 20 March 2008

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

**Decision on the prosecution's request for lifting of redactions filed on
22 February 2008**

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

N°. ICC-01/04-01/06

20 March 2008

1. On 22 February 2008 the Office of the Prosecutor (“prosecution”) filed a request for the lifting of redactions¹ in relation to a document disclosed to the defence on 28 July 2006 (“document”). No response to this application has been filed by the defence or other participants.
2. The redactions to which the prosecution’s application relates have been imposed pursuant to Rule 81(4) of the Rules of Procedure and Evidence in order to protect the names of the authors of the document. They were only necessary until the relevant witness was adequately protected,² which has now happened. The prosecution is of the view that the names of the authors of the report, as set out in the document, must be disclosed to the defence and accordingly it has applied for the lifting of the redactions.³
3. This application is necessary because of the Chamber’s decision that its consent must be sought prior to the lifting of redactions made pursuant to Rule 81(4).⁴
4. Given that protective measures are now in place, and bearing in mind the prosecution’s submission that the “co-authors are not identified in the context of any cooperation with the ICC” and that “disclosure of their names will not result in any increased security risks to them”,⁵ the Chamber has decided that it is appropriate for this information to be provided to the defence at this stage.
5. Accordingly, the Chamber grants the prosecution’s application for the lifting of the redactions to this document.

¹ Prosecution’s Request for Lifting of Redactions, ICC-01/04-01/06-1186, and confidential *ex parte* prosecution only Attachment A and Annex, ICC-01/04-01/06-1186-Conf-Exp-AnxA and ICC-01/04-01/06-1186-Conf-Exp-Anx1.

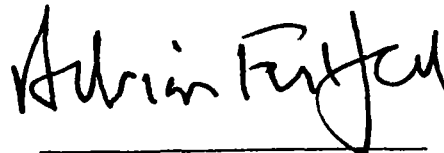
² ICC-01/04-01/06-1081-Conf-Exp, Annex 75, page 42.

³ ICC-01/04-01/06-1186, paragraph 7.

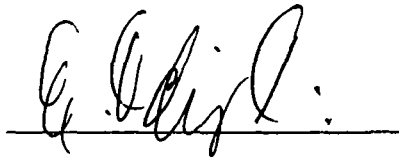
⁴ Transcript of hearing on 4 December 2007, ICC-01/04-01/06-T-62-ENG, page 23, lines 12-16.

⁵ ICC-01/04-01/06-1186-Conf-Exp-AnxA, paragraph 4.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 20 March 2008

At The Hague, The Netherlands