Cour Pénale Internationale

International Criminal Court

Original: **English**

No: **ICC-01/04-01/06**
Date: **19April 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 CONCERNING TRANSCRIPTS OF *IN CAMERA* MEETING HELD ON 17 MARCH 2006

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

Counsel for the Defence
Mr Jean Flamme

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

NOTING the "Decision Convening an in Camera Meeting" (the "Decision"),[1] issued by Judge Sylvia Steiner acting as single judge of Pre-Trial Chamber I on 16 March 2006, by which an *in camera* meeting was convened with the Prosecutor and the Registrar, or their respective representatives, for Friday 17 March 2006 to deal with (i) the prosecution's request for the unsealing of the arrest warrant against Mr Thomas Lubanga Dyilo; (ii) issues related to the current classification of non-public documents in the record of the case against Mr Thomas Lubanga Dyilo; and (iii) issues related to the current classification of certain non-public documents in the record of the situation in the DRC;

NOTING the *in camera* meeting held before the single judge of the case against Mr Thomas Lubanga Dyilo on 17 March 2006 with the Prosecution and the Registrar pursuant to the Decision;

NOTING the decision of Pre-Trial Chamber I of 22 March 2006 designating Judge Sylvia Steiner as single judge in the case against Mr Thomas Lubanga Dyilo responsible, under article 57 (2) of the Rome Statute (the "Statute"),[2] for exercising the functions of the Chamber in that case, including those functions provided for in rule 121 (2) (b) of the Rules of Procedure and Evidence (the "Rules");

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

[1] ICC-01/04-01/06-36.
[2] ICC-01/04-01/06-33

CONSIDERING that, in the framework of the above-mentioned *in camera* meeting, the single judge of the case against Mr Thomas Lubanga Dyilo ruled that the transcripts of the meeting would be classified *ex parte* only available to the Prosecution and that the Prosecution would be consulted as to whether they could also be released to the Defence with or without redactions;[3]

CONSIDERING that, given the current availability of the English and French versions of the transcripts of the hearing held on 17 March 2006 and the fact that French is one of the languages spoken by Mr Thomas Lubanga Dyilo, it will be preferable to make any necessary redactions directly in the French version of the transcripts;

FOR THESE REASONS

REQUEST the Prosecution:

(i) to state whether any redaction is needed in the French version of the transcripts of the *in camera* meeting held on 17 March 2006 so that it may be made available to the Defence; and

[3] Transcript of the hearing held on 17 March 2006, p. 41, lines 18 -25.

(ii) to propose, if necessary, by Wednesday 25 April 2006 at 14.00 hours, a redacted version of the French version of the transcripts which, in the Prosecution's view, can be made available to the defence.

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

Judge Sylvia Steiner
Single Judge

Dated this Wednesday 19April 2006

At The Hague

The Netherlands