Cour Pénale Internationale

International Criminal Court

Original: **English**

No: **ICC-01/04-01/06**
Date: **9 May 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 ON THE TRANSMISSION OF THE TRANSCRIPT OF THE *IN CAMERA* MEETING HELD ON 17 MARCH 2006

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Mrs Fatou Bensouda
Mr Ekkehard Withopf

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 to unseal the arrest warrant against Mr Thomas Lubanga Dyilo; (ii) issues relating to the current classification of non-public documents in the record of the case against Mr Thomas Lubanga Dyilo; and (iii) issues relating to the current classification of certain non-public documents in the record of the situation in the Democratic Republic of the Congo (the "DRC")[2];

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

NOTING the "Decision Concerning the Transcripts of *In Camera* Meeting held on 17 March 2006"[3], issued by Judge Sylvia Steiner acting as single judge of Pre-Trial Chamber I, by which the Prosecution was requested to (i) state whether any redaction is needed in the French version of the transcripts of the *In Camera* Meeting so that it may be made available to the Defence; and (ii) if necessary, to propose, by Wednesday 25 April 2006 at 14.00 hours, a redacted version of the French version of the transcripts which, in its view, can be made available to the Defence[4];

[1] ICC-01/04-01/06-36.
[2] Idem, p. 3.
[3] ICC-01/04-01/06-78.
[4] Idem, pp. 3-4.

NOTING the "Submission of the Proposed Redacted Transcript of the *in camera* Meeting of 17 March 2006" (the "Prosecution's Submission")[5]

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")[6], 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")[7];

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

CONSIDERING that, in the framework of the *In Camera* Meeting, the single judge 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[8];

CONSIDERING that the Prosecution does not oppose, in the Prosecution's Submission, the release to the Defence of a redacted version of the transcripts of the *In Camera* Meeting;

CONSIDERING that there is no reason to prevent the release of the transcripts of the *In Camera* Meeting to the Defence as long as the necessary redactions are made;

[5] ICC-01/04-01/06-84 and ICC-01/04-01/06-85-Conf-Exp.
[6] ICC-01/04-01/06-51.
[7] Idem, p. 4.
[8] ICC-01/04-01/06-T-2-US-Exp-FR, p. 41, lines 18-25.

FOR THESE REASONS

INSTRUCT the Registrar to proceed with the redactions of the French version of the transcripts of the *In Camera* Meeting as shown in the list of redactions filed confidential, *ex parte* only available to the Prosecution and annexed to the present decision;

ORDER the Registrar to classify the French redacted version of the transcripts of the *In Camera* Meeting as confidential;

ORDER the Registrar to notify, as soon as practicable, Mr Thomas Lubanga Dyilo and his Counsel of the French redacted version of the transcripts of the *In Camera* Meeting.

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

Judge Sylvia Steiner
Single Judge

Dated this Tuesday 9 May 2006

At The Hague

The Netherlands