

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 26 September 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

**Decision issuing a redacted version of "Decision on the prosecution's filing
entitled "Prosecution's provision of information to the Trial Chamber" filed on 3
September 2007"**

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 Mabilie
Mr Jean-Marie Biju-Duval

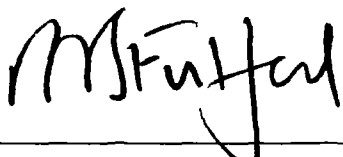
1. The Trial Chamber issued an under seal *ex parte* (prosecution and Registry) "Decision on the prosecution's filing entitled 'Prosecution's provision of information to the Trial Chamber' filed on 3 September 2007"¹ on 18 September 2007. An under seal redacted version of the decision for the defence's benefit was issued on 24 September 2007.²
2. In the decision the Chamber indicated that it would "consider releasing this decision as a public document, having carried out any necessary redrafting in order to remove any passages that would undermine the protection that we are providing to the six witnesses" (para 37) after hearing submissions by the parties and the Victims and Witnesses Unit on whether the "Prosecution's Provision of Information to the Trial Chamber" should be made a public document. The Chamber emphasised the importance of the issue of a public version of the decision "because potentially important issues of principle are dealt with that may have an impact on the use that is made of the *ex parte* procedure in the future" (para 37).
3. The issue of the use of *ex parte* proceedings is scheduled to be discussed at the hearing on 1 October 2007.³ In the absence of any submissions, and in light of the fact that the participants in the proceedings other than the prosecution and the defence need to be afforded a genuine opportunity to make submissions on this issue, the Chamber hereby issues a public redacted version of its decision as Annex 1.

¹ ICC-01/04-01/06-955-US-Exp.

² ICC-01/04-01/06-959-US.

³ ICC-01/04-01/06-962.

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



Judge Adrian Fulford

Judge Elizabeth Odio Benito

Judge René Blattmann

Dated this 26 September 2007

At The Hague, The Netherlands