

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 16 October 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 CONGO
IN THE CASE OF
THE PROSECUTOR
v. THOMAS LUBANGA DYILO**

Confidential

**Information and request from the Registrar concerning the live broadcast of
audiovisual recording of hearings within the ICC**

The Office of the Prosecutor
M. Moreno Ocampo, Prosecutor
Ms. Bensouda, Deputy Prosecutor
M. Withopf, Senior trial attorney

Counsel for the Defence
Me Mabilie
Me Biju-Duval

The Registrar of the International Criminal Court,

NOTING regulation 21, sub-regulations 1 and 6 of the Regulations of the Court;

NOTING regulation 41 of the Regulations of the Court;

CONSIDERING that the present document is filed on a confidential basis due to its subject matter, and as such cannot be notified to the legal representatives of victims, even though it is of interest to them;

CONSIDERING that pursuant to regulation 21 of the Regulations of the Court, public hearings are normally broadcasted with a 30 minutes delay beyond the courtroom;

CONSIDERING that in addition to the provision of delayed broadcast, the Registry currently extends the live unredacted broadcast of hearings beyond the courtroom, to various specified groups of ICC staff members, upon their request, to the effect that these persons can follow the hearings as if they were inside the courtroom, from their desktop, including hearings in closed session;

CONSIDERING that when granted with this access outside the courtroom, it becomes the sole responsibility of the staff members to ensure that the live broadcast is viewed from their desktop only by authorized staff;

CONSIDERING however that in so doing, the Registry uses a tool which in its current configuration does not allow a fully safe management of access rights;

INFORMS the Trial Chamber that the live unredacted broadcast of hearings beyond the courtroom to ICC staff members as it is currently provided could potentially affect the protection of witnesses;

INFORMS the Trial Chamber that at this stage, and until a suitable technical solution is found which indeed allows a fully safe management of access rights, the Registry would prefer if such access was preventively discontinued;

REQUESTS the Trial Chamber to :

- 1) Allow the Registry to notify the present confidential document to the legal representatives of victims who currently participate in the proceedings;
- 2) advise as to whether such access should be awarded at all beyond the courtroom itself;
- 3) in the affirmative:
 - a. indicate what policy, if any, should be applied in order to ensure that the staff members use this live broadcast responsibly;
 - b. allow the Registry to research a suitable technical solution, and
 - c. order the termination of the live broadcast as currently provided until a suitable solution is devised.



Bruno Cathala,
Registrar

Dated this 16 October 2007

At The Hague, The Netherlands