

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 4 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 THE CONGO
IN THE CASE OF
THE PROSECUTOR vs. THOMAS LUBANGA DYILO**

Public

**Prosecution's submission of a proposed public redacted version of the "Prosecution's
Provision of Information to the Trial Chamber" filed on 3 September 2007**

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

Ms Catherine Mabilille
M Jean-Marie Biju-Duval
Mr Marc Desalliers

Background

1. On 3 September 2007, the Prosecution filed, on an urgent, under seal and *ex parte* basis, a confidential document entitled "Prosecution's Provision of Information to the Trial Chamber"¹ (3 September 2007 filing).
2. On 5 September 2007, the Trial Chamber issued an order scheduling an *ex parte* hearing on 7 September 2007 in order to hear further submissions with regards to the Prosecution's filing.² Concurrently, the Trial Chamber issued the "Trial Chamber's Agenda for the Hearing on Friday 7th September".³
3. On 7 September 2007, the *ex parte* hearing took place. Following the hearing, the Trial Chamber on 18 September 2007 rendered the "Decision on the prosecution's filing entitled 'Prosecution's provision of information to the Trial Chamber' filed on 3 September 2007"⁴ (18 September 2007 Decision). On 19 September 2007, the Trial Chamber in its "Corrigendum to 'Decision on the prosecution's filing entitled 'Prosecution's provision of information to the Trial Chamber' filed on 3 September 2007'"⁵ corrected a few clerical errors.
4. In its 18 September 2007 Decision, the Trial Chamber ordered that a redacted version of the 3 September 2007 filing be provided to the Defence only. The Trial

¹ Prosecution's Provision of Information to the Trial Chamber, urgent, under seal, *ex parte* – Prosecutor and Registry only, 3 September 2007 (ICC-01/04-01/06-944-US-Exp).

² Order Scheduling *Ex Parte* Hearing, public, 5 September 2007 (ICC-01/04-01/06-945).

³ The Trial Chamber's Agenda for the Hearing on Friday 7th September, under seal, *ex parte* – Prosecutor and Registry Only, 5 September 2007 (ICC-01/04-01/06-946-US-Exp).

⁴ Decision on the prosecution's filing entitled 'Prosecution's provision of information to the Trial Chamber' filed on 3 September 2007, under seal, *ex parte* (Prosecution and Registry), 18 September 2007 (ICC-01/04-01/06-955-US-Exp).

⁵ Corrigendum to "Decision on the prosecution's filing entitled 'Prosecution's provision of information to the Trial Chamber' filed on 3 September 2007, under seal, *ex parte* (Prosecution and Registry), 19 September 2007 (ICC-01/04-01/06-955-US-Exp-Corr).

Chamber identified the passages that should be redacted.⁶ On 20 September 2007, the Prosecution filed the redacted version on a Confidential – Prosecution and Defence only basis.⁷

5. On 2 October 2007, during an *ex parte* closed session hearing, the Trial Chamber ordered the Prosecution to provide its proposed public redacted version of the 3 September 2007 filing within seven days.⁸

Provision of the proposed public redacted version of the 3 September 2007 filing

6. The Prosecution provides its proposed public redacted version of the 3 September 2007 filing in the attached Annex.⁹




Luis Moreno-Ocampo
Prosecutor

Dated this 4th day of October 2007
At The Hague, The Netherlands

⁶ See 18 September 2007 Decision, at para. 34.

⁷ ICC-01/04-01/06-956-Conf-Exp, “Prosecution’s submission of a redacted version of the “Prosecution’s Provision of Information to the Trial Chamber”, filed on 20 September 2007.

⁸ Transcript, ICC-0104-0106-T53-CONF-EXP-EN, 2 October 2007, page 24, lines 6-9.

⁹ Confidential – Prosecution and Defence only – Annex.