

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 20 January 2009

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Thomas Lubanga Dyilo***

Public Document

Remote Access to the Real Time Transcripts of the Hearings

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Manoj Sachdeva

Counsel for the Defence

Ms Catherine Mabile
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley
Mr Franck Mullenda
Mr Jean Louis Gilissen
Mr Joseph Keta
Mr Herve Diakese
Ms Paolina Massida
Ms Carine Bapita Buyangandu
Mr Jean Chrysostome Mulamba Nsokoloni
Mr Paul Kabongo Tshibangu

**Legal Representatives of
Applicants**

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Charlotte Dahuron Jacoby

THE REGISTRAR of the International Criminal Court (the “Court”)

NOTING the *“Information and request from the Registrar concerning the live broadcast of audiovisual recording of hearings within the ICC”* filed by the Registry on 16 October 2007¹;

NOTING the *“Instruction to the Registrar on access to the broadcast of the closed hearing on 19 October 2007”*² issued by the Trial Chamber I (the “Chamber”) on 18 October 2007;

NOTING the *“Decision on remote access to the broadcast of closed session proceedings”*³ (the “Decision”) issued by the Chamber on 30 January 2008;

NOTING the *“Rapport du Greffe relatif à l’ordonnance de la Chambre de première instance II enjoignant aux participants et au Greffe de déposer des documents complémentaires”*⁴ filed by the Registry on 12 January 2009;

NOTING the Status Conference held on the 16th of January 2009⁵;

NOTING article 64(10) of the Rome Statute, rule 137 of the Rules of Procedure and Evidence, regulations 20, 21, 24bis and 27 of the Regulations of the Court and regulation 50 of the Regulations of the Registry;

CONSIDERING that the Registry is responsible for the provision of Real time transcripts and the smooth and efficient support of the hearings;

¹ ICC-01/04-01/06-984.

² ICC-01/04-01/06-989-Conf.

³ ICC-01/04-01/06-1142.

⁴ ICC-01/04-01/07-821.

⁵ ICC-01/04-01/06-T-104-ENG.

SUBMITS the following updated recommendations:

The Registry has the obligation to provide the Real time transcript of hearings in at least one working language and to the extent technically possible. This service is provided in the first place to those participating to the hearings before the Court.

Due to the configuration of the current transcript distribution software, transcripts are distributed to user groups rather than to individuals. During the hearings, all members of the groups can have access to the Real time transcript, be they physically in the Courtroom or in their office. This access includes the possibility of searching the transcript, making annotations and other functionalities.

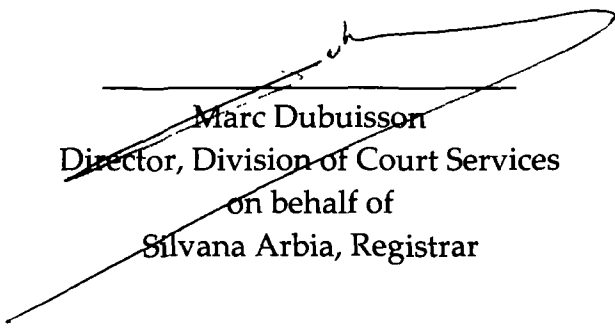
In its Decision the Chamber restricted the access to the real time transcripts of closed session hearings to those present in the Courtroom. It is understood, that the Decision was aimed at decreasing information security risks posed by the ever growing size of the groups and the lack of control of the Real time transcripts handling beyond the Courtroom. The implementation of the Decision resulted in participants to the hearings getting a “view only” access to the Real time transcripts during the closed session hearings.

In order to continue providing Real time transcription services with its entire functionality, and taking into account information security concerns, the Registry respectfully suggests that:

1. Each team participating to the hearings should submit a limited list of persons needing Real time access to the transcripts to the Chamber for approval. This list should not exceed twenty names;

2. Those listed shall have an express need for the access to the Real time transcript by virtue of their position within the teams. This would include the team members of the Office of the Prosecutor, Defense and Legal Representatives participating to the hearings or providing immediate support to those sitting in Court; the Registrar and/or those delegated by her; Registry hearing support staff (CMS : courtroom officer, court clerk, audiovisual assistants, court reporters and VWU support assistants).

This would enable a quick passage from open to closed or private session hearings with no need to adjourn the sessions.



Marc Dubuisson
Director, Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 20 January 2009

At The Hague, The Netherlands