

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/04-01/06

Date: 31 July 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 Inviting the Prosecution to Revise Proposed Redactions in relation to the  
Prosecution Amended Application pursuant to Rule 81 (2) of the Rules of  
Procedure and Evidence**

**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**

Mr Jean Flamme  
Ms Véronique Pandanzyla

**The Representatives of Victims a/0001/06  
to a/0003/06**

Mr Luc Walley  
Mr Franck Mulenda

**Office of Public Counsel for the Defence**

Ms Melinda Taylor

**I, Judge Sylvia Steiner**, judge at the International Criminal Court (“the Court”);

**NOTING** the “Prosecution’s Application pursuant to Rule 81 (2) with Further Details” (“the Prosecution Application”),<sup>1</sup> filed by the Prosecution on 19 June 2006, in which the Prosecution, pursuant to rule 81 (2) of the Rules of Procedure and Evidence (“the Rules”), seeks authorisation from the Pre-Trial Chamber to redact information contained in several witness statements which, if disclosed to the Defence of Thomas LUBANGA DYILO, could prejudice ongoing and/or further investigations;<sup>2</sup>

**NOTING** the *ex parte* and *in camera* hearing with the Prosecution on 28 June 2006;

**NOTING** the “Prosecution’s Amended Application pursuant to Rule 81 (2) with Further Details” (“the Prosecution Amended Application”),<sup>3</sup> filed by the Prosecution on 18 July 2006, in which the Prosecution amended the redactions for which it seeks authorisation from the single judge;<sup>4</sup>

**NOTING** rule 81 (2) of the Rules;

**CONSIDERING** the importance of consistency in any redaction that might be authorised by the single judge pursuant to rule 81 (2) of the Rules;

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<sup>1</sup> ICC-01/04-01/06-153-Conf-Exp-AnnA.

<sup>2</sup> The Prosecution Application, para. 7.

<sup>3</sup> ICC-01/04-01/06-198-Conf-Exp-AnnA.

<sup>4</sup> The Prosecution Amended Application, paras. 11 to 16.


**FOR THESE REASONS**

**DECIDES** to invite the Prosecution to revise the redactions proposed *inter alia* in the following paragraphs of the witness statements attached to the Prosecution Amended Application:

- (i) Paragraph 22 of Annex II;
- (ii) Paragraphs 136 and 245 of Annex IV;
- (iii) Paragraph 189 of Annex XVI;
- (iv) Paragraph 112 of Annex XVII;
- (v) Paragraph 6, 119 and 144 of Annex XVIII;
- (vi) Paragraphs 16 and 34 of Annex XIX.

**DECIDES** to give the Prosecution until 1 August 2006 at 16.00 hours to make any filing in relation to this matter.

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



**Judge Sylvia Steiner**  
**Single Judge**

Dated this Monday 31 July 2006

At The Hague

The Netherlands