

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/06
Date: 3 November 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, 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 Redacted Version
CORRIGENDUM TO DECISION ON THE PROSECUTION APPLICATION
PURSUANT TO RULE 81 (2) OF 3 NOVEMBER 2006**

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

Legal 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

Legal Representative of Victim a/0105/06

Ms Carine Bapita Buyangandu

I, Judge Claude Jorda, judge at the International Criminal Court (“the Court”);

NOTING the “Decision on the Defence Request for Order to Disclose Exculpatory Materials” (“the Decision”), issued by the single judge on 2 November 2006,¹ in which the Prosecution is ordered “to provide the Chamber by Friday 3 November 2006 with (i) the statements of REDACTED and (ii) the redactions proposed by the Prosecution pursuant to rule 81 of the Rules for reasons other than the protection of the identity of the said witnesses *vis-à-vis* the Defence.”

NOTING the “Prosecution’s Application pursuant to Rule 81 (2)”,² filed by the Prosecution on 3 November 2006, in which the Prosecution requests the Chamber to authorise certain redactions to the statements of, and/or the transcripts of the interviews with, REDACTED pursuant to rule 81 (2) of the Rules;

NOTING the “Submission in relation to the Decision on Defence Request for Order to Disclose Exculpatory Materials”,³ filed by the Defence on 3 November 2006, in which the Defence “requests that the Pre-Trial Chamber deny any request for redactions to the statements of REDACTED submitted by the Prosecution under Rule 81 and order the Prosecution to provide these unredacted statements to the Defence immediately”;

NOTING rule 81 (2) of the Rules of Procedure and Evidence (“the Rules”);

¹ ICC-01/04-01/06-647-Conf.

² ICC-01/04-01/06-652-Conf, with ex parte annexes 1 and 2.

³ ICC-01/04-01/06-648-Conf.

CONSIDERING that the redactions proposed by the Prosecution are in line with the redactions already authorised by the single judge pursuant to rule 81 (2) of the Rules in order not to prejudice further investigations;

CONSIDERING however that, due to the new set of circumstances concerning the meeting between lead counsel for the Defence and REDACTED, which were highlighted in the Decision, there is no longer the need to maintain most of the redactions previously authorised to paragraph 188 of the statement of REDACTED;

FOR THESE REASONS,

DECIDE that, except for those redactions proposed in relation to the paragraph referred to below, the redactions proposed in the Prosecution Application are authorised pursuant to rule 81 (2) of the Rules;


DECIDE that:

- (i) redactions in paragraph 188 of Annex I (ICC-01/04-01/06-552-Conf-Exp-Anx1, p. 38) are authorised as follows:

« REDACTED »

ORDER the Prosecution to disclose immediately to the Defence the statements of, and/or the transcripts of the interviews with, REDACTED (annexes 1 and 2 to ICC-

01/04-01/06-552-Conf) with the redactions authorised in this decision pursuant to rule 81 (2) of the Rules.



Judge Claude Jorda
Single Judge

Dated this Friday 3 November 2006

At The Hague

The Netherlands