

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : **English**

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

Date: **17 May 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
vs. THOMAS LUBANGA DYILO**

Public Document

**Supplemental Filing of the Prosecution's Final Proposed Redactions to the
Transcript of the *in camera* Meeting of 17 March 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

I. Background

1. On 19 April 2006, the Pre-Trial Chamber issued the “Decision Concerning Transcripts of *in camera* Meeting Held on 17 March 2006” (Decision). In the Decision, the Pre-Trial Chamber requested the Prosecution (i) to state whether any redaction is needed in the French version of the transcripts of the *in camera* meeting held on 17 March 2006 so that they can be made available to the Defence; and (ii) to propose, if necessary, by Wednesday, 25 April 2006 (*sic*) at 14:00 hours, a redacted version of the French version of the transcripts which, in the Prosecutor’s view, can be made available to the Defence.
2. On 25 April 2006 the Prosecution filed its “Submission of the Proposed Redacted Transcript of the *in camera* Meeting of 17 March 2006” (Prosecution’s Submission), proposing an initial set of redactions to the French version of the transcript (Prosecution’s initial proposed redactions). At the suggestion of the Registry’s Court Management Section (CMS), and with the support of the Registry’s Information, Communication and Technology Section (ICTS) in its capacity as *LiveNote* administrator, the Prosecution’s initial proposed redactions to the transcript were made in the Prosecution’s repository in *LiveNote*, the Court’s transcript management system. The Prosecution had been advised by CMS that using *LiveNote* would render the handling of proposed redactions faster and more efficient, and would automatically create an audit of the redaction process. A copy of the Prosecution’s initial proposed redactions, identified with the number “ICC-01-04-01-06-T-2-US-EXP-FR (17MAR2006 Editée)” was attached to the Prosecution’s Submission as “Confidential – *Ex Parte* – Prosecutor Only” Annex I.

Consultations Between the Pre-Trial Chamber and the Office of the Prosecutor Regarding the Redactions to the Transcript of the 17 March 2006 *in camera* Meeting

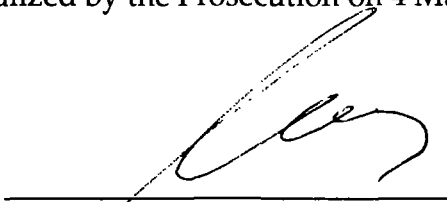
3. As a general rule, only the Prosecution has access to its own repository in *LiveNote*. In this case, given that it was necessary for the Pre-Trial Chamber to react to the Prosecution's initial proposed redactions, the Prosecution requested ICTS to transfer the Prosecution's initial proposed redactions to the Chamber's own repository in *LiveNote*. The Prosecution's initial proposed redactions thus became accessible to the Single Judge exercising the functions of the Pre-Trial Chamber and to her staff.
4. On 1 May 2006, the Single Judge informed the Prosecution that some of the Prosecution's initial proposed redactions appeared to be unnecessary, given that the information that would thereby be withheld was already available to the Defence through the record of the case.¹ The Office of the Prosecutor agreed that some of the redactions could be discarded.
5. The Single Judge and her staff proposed changes to the Prosecution's initial proposed redactions directly in *LiveNote*. The Single Judge's proposed changes were saved as a new version of the transcript, identified with the number "ICC-01-04-01-06-T-2-US-EXP-FR (01052006 Chambers Annotated)". At the request of the Single Judge and her staff, this new version of the transcript was made available to the Prosecution in its own repository in *LiveNote*.

¹ The proposed redactions which the Single Judge considered unnecessary included, but were not limited to, a reference to a letter from the Office of the Prosecutor to the Government of Rwanda, which is already part of the record of the case of *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-18-Conf, and information on Thomas Lubanga Dyilo's transfer to The Hague, contained in the Report from the Registrar on the Execution of the Request for Arrest and Surrender, ICC-01/04-01/06-53-Conf.

6. On 4 May 2006, the Prosecution finalized its proposed redactions (Prosecution's final proposed redactions) directly in *LiveNote*, and requested the *LiveNote* administrator to make them available in the Pre-Trial Chamber's repository. The Prosecution's final proposed redactions were made available to the Pre-Trial Chamber, identified with the number "ICC-01-04-01-06-T-2-US-EXP-FR (03052006 OTP Annotated)".

Filing of Prosecution's Final Proposed Redactions to the transcript of the 17 March 2006 *in camera* Meeting

7. The Prosecution's final proposal of redactions to the French version of the transcript of the 17 March 2006 hearing has been available in the record of the case through *LiveNote* only, identified with the number "ICC-01-04-01-06-T-2-US-EXP-FR (03052006 OTP Annotated)". The Prosecution now files a copy of the final redactions finalized by the Prosecution on 4 May 2006.²



Luis Moreno-Ocampo

Prosecutor

Dated this 17th day of May 2006
At The Hague, The Netherlands

² Attached as "Confidential – *Ex Parte* – Prosecutor Only" Annex 1.