

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 May 2008

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

Decision issuing a confidential and a public redacted version of "Decision on disclosure issues, responsibilities for protective measures and other procedural matters"

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Ekkehard Withopf

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Catherine Bapita Buyangandu

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massida

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Vaatainen

Detention Section

Victims Participation and Reparations Section

Other

1. The Trial Chamber issued an under seal *ex parte* (prosecution and Registry only) "Decision on Disclosure Issues, Responsibilities for Protective Measures and other Procedural Matters" on 24 April 2008 with 4 Annexes.¹ Judge René Blattmann filed a partly separate and partly dissenting opinion to this Decision on 28 April 2008.²
2. As the Decision dealt in part with submissions made *ex parte*, it was first issued *ex parte* (and under seal as it dealt with the protection of specific witnesses) pending consultation of the Office of the Prosecutor ("prosecution") and the Registry on the status of their *ex parte* submissions. The prosecution and the Registry were requested to propose redactions, if any, by 29 April 2008. Subsequently, they were requested to consult and propose consolidated redactions where possible. This was done on 6 and 7 May 2008.
3. The Trial Chamber is satisfied that the submissions made *ex parte* as summarised in the Decision are suitable for release to the defence and the public as appropriate.
4. The Chamber hereby issues a confidential redacted version of the Decision to be notified to the defence only (attached as Annex 1), a public redacted version of the Decision (attached as Annex 2) and a public version of the Opinion (attached as Annex 3).
5. The prosecution filed a "Prosecution's Application for Leave to Appeal the Decision on Disclosure Issues, Responsibilities for Protective Measures and

¹ ICC-01/04-01/06-1295-US-Exp and Annexes A-D: ICC-01/04-01/06-1295-US-Exp-AnxA, ICC-01/04-01/06-1295-US-Exp-AnxB, ICC-01/04-01/06-1295-US-Exp-AnxC, and ICC-01/04-01/06-1295-US-Exp-AnxD.

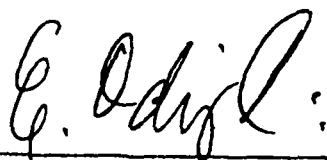
² Separate and Dissenting Opinion of Judge Blattmann attached to Decision on Disclosure Issues, Responsibilities for Protective Measures and Other Procedural Matters, 28 April 2008, ICC-01/04-01/06-1295-US-Exp-Anx1.

other Procedural Matters" under seal and *ex parte* on 2 May 2008.³ In order for the defence to be able to respond to the application, the prosecution is hereby ordered to re-file it in appropriate form within 2 days of the notification of the present decision.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 8 May 2008

At The Hague, The Netherlands

³ ICC-01/04-01/06-1304-US-Exp.