

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 July 2009

TRIAL CHAMBER I

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

***SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE CASE
OF THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

Order issuing confidential and public redacted versions of the "Preliminary and Final Decisions on the group of potential court witnesses"

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Jean Louis Gilissen
Mr Jean Chrysostome Mulamba
Nsokoloni
Mr Paul Kabongo Tshibangu
Mr Hervé Diakiése

Unrepresented Victims

Legal Representatives of the Applicants

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

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

Ms Fiona McKay

Other

1. On 25 June 2009, the Chamber issued the confidential *ex parte* prosecution and Registry only "Preliminary and Final Decisions on the group of potential court witnesses" ("Decision").¹
2. On 25 June 2009, the Chamber instructed the Office of the Prosecutor ("prosecution") and the Registry to consult and jointly propose redactions to the Decision. The prosecution and Registry submitted a joint proposal on 3 July 2009. As a result of further inquiries by the Chamber, a final joint proposal for redacted versions of the Decision was submitted to the Chamber on 7 July 2009.² The Chamber has reviewed the joint proposed redactions, which are based on an in-depth assessment of the individual circumstances of the persons concerned, and is persuaded that they each are necessary for their protection, in accordance with Articles 64(6)(e) and 68(1) of the Rome Statute.
3. The Chamber hereby issues:
 - 1) A confidential redacted version of the Decision to be notified to the prosecution, defence and Registry (attached as Annex 1), and
 - 2) A public redacted version of the Decision (attached as Annex 2).
4. In the Decision, the Chamber instructs the parties and participants to file any observations they may have within two weeks of the notification of the redacted version of the Decision.³ Given the deadline expires during the judicial recess and the Chamber has suspended the time-limits

¹ Preliminary and Final Decisions on the group of potential court witnesses, 25 June 2009, ICC-01/04-01/06-1986-Conf-Exp.

² Email communications from the Trial Chamber to the Office of the Prosecutor and the Registry through the Legal Adviser to the Trial Division on 25 June, 3, 6, 7, 8 and 9 July 2009.

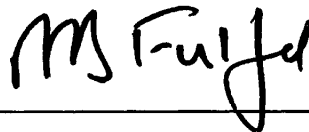
³ ICC-01/04-01/06-1986-Conf-Exp, paragraphs 8, 16, 25, 33, 47 and 63.

pursuant to Regulation 19*bis* of the Regulations of the Court,⁴ the above-mentioned written submissions shall be filed by 14 August 2009.

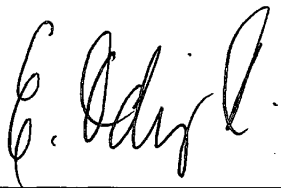
5. Considering that a confidential and a public version of the Decision are now issued, and related filings referred to in the Decision no longer need to be classified "under seal", pursuant to Regulation 23*bis*(3) the Chamber reclassifies:

- 1) filings ICC-01/04-01/06-1295-US-Exp and ICC-01/04-01/06-1382-US-Exp, as confidential *ex parte* prosecution and Registry only filings, and
- 2) filings ICC-01/04-01/06-1382-US-Exp, ICC-01/04-01/06-1568-US-Exp, and ICC-01/04-01/06-1766-US-Exp as confidential *ex parte* Registry only filings.


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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 9 July 2009

At The Hague, The Netherlands

⁴ Transcript of hearing on 3 July 2009, ICC-01/04-01/06-T-203-CONF-ENG, page 64, lines 22-25.