

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **9 June 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 Document
with Confidential Annex**

Information on re-disclosure of witness DRC-OTP-WWWW-0046's statement

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

Ms Paolina Massidda

States Representatives

Amicus Curiae

REGISTRY

Registrar

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Communication of incriminatory evidence

1. The Prosecution informs the Trial Chamber that on 2 June 2009 it re-disclosed to the Defence the statement of trial witness DRC-OTP-WWWW-0046 as incriminating evidence. The statement is identified in the attached "List of Disclosed Materials".¹

Information on redactions lifted by the information provider

2. Pursuant to its ongoing review of restrictions on full disclosure of documents provided to the Prosecution under Article 54(3)(e), the United Nations ("UN") has agreed to the lifting of a number of redactions in witness DRC-OTP-WWWW-0046's statement. The information for which redactions are no longer required concerns, *inter alia*, names of UN bodies, names and functions of UN staff, and references to individuals and organisations involved in the demobilisation of child soldiers contained in the witness' statement.
3. The UN is considering a request by the Prosecution to permit further disclosure of information still subject to redactions.

¹ Confidential Annex. The statement was previously disclosed as incriminating evidence on 13 October 2006.

Item for which no physical original is being filed

4. The witness' statement was re-disclosed to the Defence in redacted form.² In light of these redactions³, the original of this item has not been filed with the Registry.



Luis Moreno-Ocampo

Prosecutor

Dated this 9th day of June 2009

At The Hague, The Netherlands

² The remaining redactions are made pursuant to Article 54(3)(e) and Rules 81(2) and (4). The Prosecution is seeking the Chamber's authorization to lift all Rule 81(4) redactions separately, and giving notice to the Chamber of the Prosecution's intention to lift all Rule 81(2) redactions.

³ See ICC-01/04-01/06-1054, para 9.