

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 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 19 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

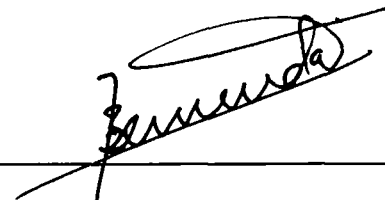
2. Pursuant to its ongoing review of restrictions on full disclosure of documents provided to the Prosecution under Article 54(3)(e), the United Nations ("UN") has agreed to the lifting of a number of redactions in witness DRC-OTP-WWWW-0046's statement.
3. Additionally, the Prosecution has removed a number of redactions made pursuant to Rule 81(2). The Prosecution informed the Trial Chamber of its intention to lift these redactions in the "Prosecution's application to lift redactions to witness DRC-OTP-WWWW-0046's statement", ICC-01/04-01/06-1941.
4. The information for which redactions are no longer required concerns, *inter alia*, names and functions of UN staff, and references to individuals and organisations involved in the demobilisation of child soldiers contained in the witness' statement.²

¹ Confidential Annex. The statement was previously disclosed as incriminating evidence on 13 October 2006 and 2 June 2009.

² Redactions have been removed from paragraphs 48, 77, 87, 107, 111, 115, 124, 126, 129, 143, 145, 153, 154, 158, 161, 183, 187, 188 and "Annexe 1" (the last two pages of the statement).

Item for which no physical original is being filed

5. The witness's statement was re-disclosed to the Defence in redacted form.³ In light of these redactions⁴, the original of this item has not been filed with the Registry.



Fatou Bensouda, Deputy Prosecutor
on behalf of
Luis Moreno-Ocampo, Prosecutor

Dated this 24th day of June 2009

At The Hague, The Netherlands

³ The redactions with which the statement was disclosed on 19 June 2009 were made pursuant to Article 54(3)(e) and Rule 81(4). The lifting of the Rule 81(4) redactions was approved by the Trial Chamber on 24 June 2009 (ICC-01/04-01/06-T-198-EN RT, page 67, line 22). The Prosecution will be rediscovering the statement with the Rule 81(4) redactions lifted shortly.

⁴ See ICC-01/04-01/06-1054, para 9.