

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 08 June 2011

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

**With confidential redacted annexes to the Prosecutor, the Defence and
Mr Joseph Keta Orwinyo**

**Transmission to the parties and Mr Joseph Keta Orwinyo of names of four
individuals in accordance with Decision ICC-01/04-01/06-2750**

Source: Registry

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

The Office of the Prosecutor

Mr. Luis Moreno Ocampo

Mrs. Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Mr Marc Desalliers

Ms Caroline Buteau

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tchibangu

Mr Hervé Diakiese

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria-Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING article 68(1) and (3) of the Rome Statute, rule 89 of the Rules of Procedure and Evidence and regulation 86 of the Regulations of the Court;

NOTING the “Decision on the disclosure of information from victims' application forms (a/0225/06, a/0229/06 and a/0270/07)” issued by Trial Chamber I (the “Chamber”) on 14 October 2010 ordering the Registry to contact some of the individuals affected by the redactions in the victims' application forms in order to obtain their views on disclosure of their identities to the defence;¹

NOTING the transmission of the Registry on 6 April 2011 of lesser redacted versions of the applications to the parties and to Mr Keta disclosing the identities of some of the individuals contacted by the Registry and, as ordered by the Chamber, leaving redacted the identities of four individuals (a/0236/06, a/0221/06, a/0230/06 and a/0224/06) for which the Registry had been unable to obtain their views;²

NOTING the communication from the Registry on 24 May 2011 informing the Chamber that, despite its efforts, the views of these individuals regarding the disclosure of their identities to the defence had not been obtained;³

NOTING the defence communication to the Chamber submitting that it is essential that the identities are disclosed, notwithstanding the conclusion of the evidence and

¹ ICC-01/04-01/06-2586-Conf-Exp; see also the public redacted version of the Decision ICC-01/04-01/06-2586-Red issued on 4 February 2011.

² Transmission to the parties and Mr Joseph Keta Orwinyo of a lesser redacted version of applications (a/0225/06, a/0229/06 and a/0270/07) in accordance with Decision ICC-01/04-01/06-2586-Conf-Exp, 6 April 2011 (notified on 7 April 2011), ICC-01/04-01/06-2721.

³ Email communication from the Registry to the Chamber through the Legal Officer to the Trial Division on 24 May 2011, annexed hereto.

requesting that the Registry is required to continue with its attempts to locate these four individuals;⁴

NOTING The Chamber's Decision of 6 June 2011 (the "Decision") in which the Chamber orders the Registry i) that "the names of four individuals are immediately disclosed to the parties. This is to be effected in a way that makes clear where on the application forms of a/0225/06, a/0229/06 and a/0270/07 the four names are individually to be found, whether or not this involves providing a further version of the application forms", ii) to transmit to the parties and Mr Keta the email communication with the Chamber on 24 May 2011 as the Chamber considers that the information contained therein may be material to the preparation of the defence during the closing stages of the proceedings, iv) that the Registry is no longer obliged to contact a/0236/06, a/0221/06, a/0230/06 and a/0224/06."⁵

NOTING regulation 23 *bis* of the Regulations of the Court, the annexes to the present documents are classified as "Confidential" considering that the information contained in the annexes relates to the identities and identifying elements of persons mentioned in the application forms;

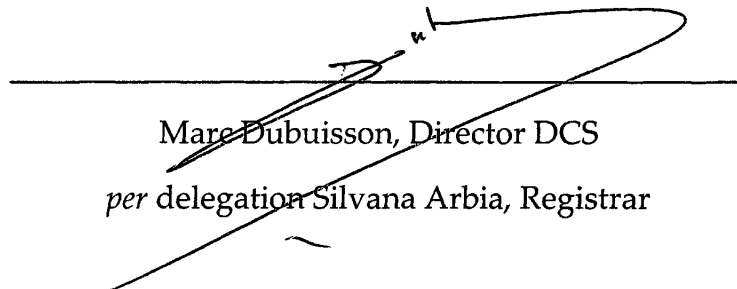
CONSIDERING that the Registry has removed from the application forms a/0229/06 and a/0270/07 the redactions regarding the names of the individuals a/0236/06, a/0221/06, a/0230/06 and a/0224/06 in accordance with the Decision and the previous redacted version of the applications; and as the application form a/0225/06 does not

⁴ Email communication from the defence to the Chamber through the Legal Officer to the Trial Division on 26 May 2011, in response to the email communication from the Chamber to the defence through the Legal Officer to the Trial Division on 25 May 2011 requesting to the defence to indicate whether it sought any further order from the Chamber as regards disclosure of these individuals' identities given the evidence in the present case is closed, or if it agreed that the Registry should cease their enquiries.

⁵ Order on the implementation of Decision ICC-01/04-01/06-2586-Conf-Exp, 6 April 2011, ICC-01/04-01/06-2750; see paragraphs 10, 12 and 13.

contain such information, there are no further redactions to remove in the application form;

TRANSMITS to the parties and to Mr Joseph Keta Orwinyo, the legal representative of the victims, the following: i) the documents related to the applications of victims a/0229/06 and a/0270/07 in a lesser redacted form in accordance with the details of the Decision; ii) information assisting the parties to find the names in the application forms as annex 1; and iii) email communication from the Registry to the Chamber of 24 May 2011 as annex 2.



Mare Dubuisson, Director DCS
per delegation Silvana Arbia, Registrar

Dated this 8 June 2011

At The Hague, The Netherlands