

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 June 2008

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 – *ex parte* – Prosecution only Annexes

URGENT

Prosecution's corrigendum and supplementary information to the "Prosecution's provision of 32 documents and further information on documents that were obtained by the Office of the Prosecutor pursuant to Article 54(3)(e) on the condition of confidentiality and solely for the purpose of generating new evidence and that potentially contain evidence that falls under Article 67(2)"

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

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Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Luc Walley

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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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Background

1. On 3 June 2008, the Prosecution filed the "Prosecution's provision of 32 documents and further information on documents that were obtained by the Office of the Prosecutor pursuant to Article 54(3)(e) on the condition of confidentiality and solely for the purpose of generating new evidence and that potentially contain evidence that falls under Article 67(2)" ("the 3 June 2008 filing").¹ The documents² that the information providers consented the Prosecution providing the Trial Chamber were annexed to the filing.
2. The corrigendum concerns Confidential, *Ex Parte*, Prosecution Only Annex 32 to the 3 June 2008 filing, which was obtained from the sixth information provider listed therein, and was referred to at paragraph 11 of the 3 June 2008 filing.³
3. The additional information updates the 3 June 2008 filing in relation to the second information provider listed therein, which was referred to in paragraph 7 of the filing.

Correction

4. On 2 June 2008, the Prosecution sent a copy of the redacted version of Annex 32 to the sixth information provider, at the provider's request.
5. On 4 June 2008, the sixth information provider requested the Prosecution to apply additional redactions in the document, to information which in the provider's view identifies the provider, its staff and the provider's partners.

¹ ICC-01/04-01/06-1373.

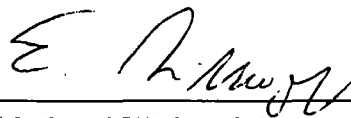
² Annexes 1 to 32 to the 3 June 2008 filing : ICC-01/04-01/06-1373.

³ The sixth information provider consented to the Prosecution providing the Trial Chamber with one document, which was submitted as Confidential, *Ex Parte*, Prosecution Only, Annex 32. Consent to the provision of this document was given under the pre-condition that the identifying information of the provider, its staff and other partners would be redacted.

6. Accordingly, the Prosecution hereby re-submits Confidential, *Ex Parte*, Prosecution Only, Annex 32, as corrected.

Further information

7. In the 3 June 2008 filing, the Prosecution informed the Trial Chamber that the second information provider had not yet responded to the Prosecution's inquiries.⁴ The Prosecution subsequently received a response on 5 June 2008, in which the information provider gave its consent for the Prosecution to provide one document⁵ to the Trial Chamber, under the precondition that the identity of the information provider, its staff and other partners will be redacted. Accordingly, the Prosecution submits the one document concerned with the requisite redactions.



Ekkehard Withopf, Senior Trial Lawyer,
on behalf of
Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of June 2008
At The Hague, The Netherlands

⁴ ICC-01/04-01/06-1373 at paragraph 7.

⁵ The document is annexed as Confidential - *Ex Parte* - Prosecution Only Annex 33.