

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/06  
Date: 6 November 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**

**Corrigendum to "Prosecution's submissions on the pre-trial detention of Thomas Lubanga Dyilo in light of the Appeals Chamber's judgment of 21 October 2008"**

**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**

Mr Luc Walley

Mr Franck Mulenda

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**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. On 31 October 2008 the Prosecution filed submissions on the pre-trial detention of the accused.
2. Due to an oversight, the submissions contain a factual error in paragraph 10, regarding when the defence was provided with the identities of witnesses. The full paragraph is set out in the footnote below, with the erroneous statement signified by italics.<sup>1</sup>
3. Paragraph 10, with the correction also signified by italics, should read as follows:

These findings reflected still-applicable concerns about the release of the accused. Nothing has changed with respect to the nature of the charges confirmed against the accused.<sup>2</sup> There has also been no change in circumstances since May 2008 which could indicate that, if released, there will be any way to ensure his attendance at trial. The need to protect witnesses from intimidation or interference, moreover, is equally if not more pressing as the trial draws near. *As was the case in May 2008, the accused has the names of all 31 prosecution witnesses*, and an additional 18 witnesses who have provided potentially exculpatory information but also incriminatory information.<sup>3</sup> The security of some of these witnesses may be at risk.

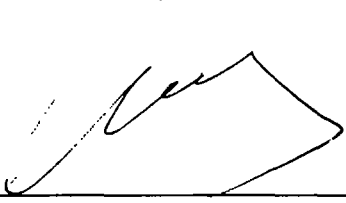
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<sup>1</sup> Paragraph 10 in the original document reads as follows [footnotes in original omitted] :

These findings reflected still-applicable concerns about the release of the accused. Nothing has changed with respect to the nature of the charges confirmed against the accused.<sup>1</sup> There has also been no change in circumstances since May 2008 which could indicate that, if released, there will be any way to ensure his attendance at trial. The need to protect witnesses from intimidation or interference, moreover, is equally if not more pressing as the trial draws near. *In May 2008, the accused knew the identities of 11 witnesses. He now has the names of all 31 prosecution witnesses* and an additional 18 witnesses who have provided potentially exculpatory information but also incriminatory information. The security of some of these witnesses may be at risk.

<sup>2</sup> ICC-01/04-01/06-1487 OA12, para. 38.

<sup>3</sup> The Prosecution does not intend to rely on this incriminatory information in this case.



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Luis Moreno-Ocampo  
Prosecutor

Dated this 6<sup>th</sup> day of November 2008  
At The Hague, The Netherlands