

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 26 January 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

**Submission by the Registrar of correspondence received from the United Nations in
relation to the expert testimony of Mr. Roberto Garretón**

Source: Registrar

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
 Ms. Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Ms. Catherine Mabilie
 Mr. Jean-Marie Biju-Duval

Legal Representatives of the Victims

Mr. Luc Walley
 Mr. Franck Mulenda
 Ms. Carine Bapita Buyangandu
 Mr. Joseph Keta Orwinyo
 Mr. Jean Louis Gilissen
 Mr. Jean-Chrysostome Mulamba
 Nsokoloni
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 Mr. Hervé Diakiese

Legal Representatives of the Applicants**Unrepresented Victims****Unrepresented Applicants for Participation/Reparation****The Office of Public Counsel for Victims**

Ms. Paolina Massidda

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**

Mr. Roberto Garretón

THE REGISTRAR of the International Criminal Court (the “Court”),

NOTING Regulations 24*bis* and 44 of the Regulations of the Court;

NOTING the “*Instructions to the Court’s expert on background and context*” (the Instructions), issued by Trial Chamber I on 17 December 2008;¹

NOTING the letter dated 20 January 2009² (“the Request for Consent”) transmitting a copy of the Instructions to the United Nations High Commissioner for Human Rights and seeking her consent to Mr. Roberto Garretón providing written and possibly oral testimony before Trial Chamber I;

NOTING the 23 January 2009 reply of the United Nations³ (“the Reply”) to the Request for Consent, transmitted to the Registrar of the Court;

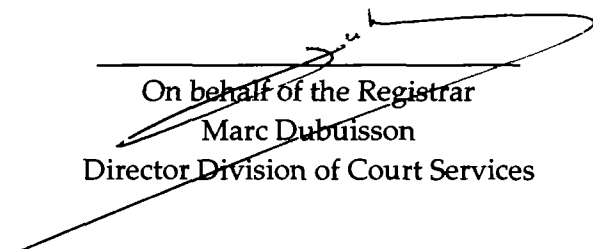
CONSIDERING that in the Reply, the United Nations states, *inter alia*, that “consistently with Article 16 of the Relationship Agreement between the United Nations and the International Criminal Court, the Secretary-General hereby waives the immunity from legal process which is enjoyed by Mr. Roberto Garretón to the extent that is necessary to permit him to assist the Trial Chamber in the trial of the case of the *Prosecutor v. Thomas Lubanga Dyilo* with expert testimony, specifically, by providing it with a written report on the background and context of the offences with which the accused is charged and by giving oral testimony before the Trial Chamber in that trial on these same matters;”

¹ ICC-01/04-01/06-1558.

² The letter is attached herein as Annex 1.

³ The letter is attached herein as Annex 2.

RESPECTFULLY SUBMITS the Request for Consent and the Reply, attached as Annex 1 and Annex 2 hereto.



On behalf of the Registrar
Marc Dubuisson
Director Division of Court Services

Dated this 26 January 2009

At The Hague, The Netherlands