

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 4 February 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 additional 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
 Mr. Paul Kabongo Tshibangu
 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 I³;

NOTING the 23 January 2009 reply of the United Nations⁴ to the Request for Consent, transmitted to the Registrar of the Court, annexed in the “*Submission by the Registrar of correspondence received from the United Nations in relation to the expert testimony of Mr. Roberto Garretón*”⁵, dated 26 January 2009;

CONSIDERING the 28 January 2009 reply (“the Acknowledgement”)⁶ of the Deputy High Commissioner for Human Rights acknowledging the transmission of the formal waiver or affirmation of immunity to the Office of Legal Affairs of the UN Secretary-General; and that the High Commissioner had indicated no objection to Mr. Garretón’s testimony before the Court;

¹ ICC-01/04-01/06-1558.

² The letter was attached as Annex 1 of ICC-01/04-01/06-1651.

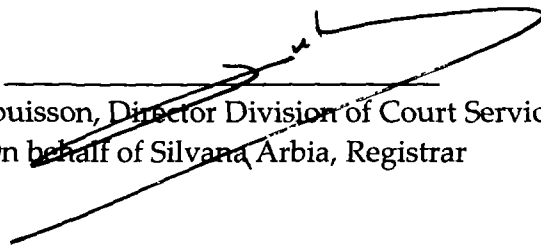
³ ICC-01/04-01/06-1651

⁴ The letter was attached as Annex 2 of ICC-01/04-01/06-1651.

⁵ ICC-01/04-01/06-1651

⁶ Attached as Annex 1 hereto.

RESPECTFULLY SUBMITS the Acknowledgement, attached as Annex 1 hereto.



Marc Dubuisson, Director Division of Court Services
On behalf of Silvana Arbia, Registrar

Dated this 4 February 2009

At The Hague, The Netherlands