



Original: English

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

Date: 11 May 2009

TRIAL CHAMBER I

Before: Judge Adrian Fulford, President
Judge Elizabeth Odio Benito, Judge
Judge René Blattmann, Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

**Public document with
Confidential Annexes 1 and 2**

**Prosecution's information regarding protective measures requested for a document
related to witness DRC-OTP-00010**

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

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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

Ms Paolina Massidda

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

Background

1. At a hearing on 8 May 2009, the Trial Chamber issued an oral decision¹ granting the Prosecution's application for protective measures governing the use of a document related to witness DRC-OTP-WWWW-0010. The protective measures were requested by the Prosecution on 8 April 2009,² pursuant to a request from the provider of the document.
2. The Trial Chamber ordered the Prosecution to file in the record of the case the letter in which the provider of the document, the United Nations ("UN"), agreed to the disclosure of the document. The Chamber also ordered the Prosecution to set out the relevant information concerning the redactions which have been applied to the copy of the document authorised for disclosure.

Prosecution's submission of the letter from the United Nations

3. The Prosecution attaches to the present filing the 6 April 2009 letter through which the UN consented to the disclosure of the document to the Defence.³
4. The Prosecution informs the Chamber that, in addition to disclosure to the accused and his Defence, the UN has consented to the disclosure of the document to the Legal Representatives only, subject to the same conditions stipulated in subparagraphs (i), (ii) and (iii) of the UN's letter.⁴

¹ ICC-01/04-01/06-T-171-CONF-ENG ET, page 40, lines 13-25 and page 41, lines 1-5.

² The measures were requested in an email communication from the Prosecution to the Legal Advisor to the Trial Chamber of 08 April 2009 at 15:43.

³ The UN's letter is attached as Confidential Annex 1. The document which is subject to the Chamber's order of protective measures is attached as Confidential Annex 2.

⁴ In light of the sensitive nature of the information contained in the document, the United Nations is unable to consent to the circulation of the document beyond the Legal Representatives themselves.

Information concerning the redactions applied to the document

5. The Prosecution informs the Chamber that, as set out in the UN's letter, the provider has applied redactions to the document in light of the sensitive nature of the information contained therein, and in particular in light of the fact that disclosure of such information might endanger the safety and security of the individuals who provided information to the UN.
6. The provider informed the Prosecution that it had applied redactions to the document in the most discrete manner possible, so as to ensure that the Court would have access to the document as a whole. The provider advised, however, that such discrete redactions would be insufficient to guarantee the security and safety of all individuals identified or identifiable from the document. For that reason, the provider requested the Prosecution to apply for protective measures restricting the circulation of the document, as a way of eliminating any risk to these individuals.



Luis Moreno-Ocampo
Prosecutor

Dated this 11th day of May 2009

At The Hague, The Netherlands