

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 7 July 2009

TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

**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 Mrs. Radhika Coomaraswamy**

Source: Registrar

The Office of the Prosecutor
 Mr. Luis Moreno-Ocampo, Prosecutor
 Ms. Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence
 Ms. Catherine Mabile
 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

Deputy Registrar
 Didier Preira

Detention Section

Victims and Witnesses Unit

Other
 Ms. Radhika Coomaraswamy

Victims Participation and Reparations Section

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

NOTING the submission of the Registrar of correspondence received within the context of Rule 103 of the Rules of Procedure and Evidence (“the Submission”) dated 4 January 2008;¹

NOTING the Prosecution’s response to the Submission dated 23 January 2008;²

NOTING the Defence response to the Submission dated 28 January 2008;³

NOTING the Decision⁴ of Trial Chamber I (“the Decision”) inviting observations from the Special Representative of the Secretary General of the United Nations for Children and Armed Conflict (“the Special Representative”);

NOTING the designation of Mrs. Coomaraswamy as a Court expert witness;⁵

NOTING the 1 June 2009 Registrar’s request (“the Request for Consent”) to the United Nations seeking consent to Mrs. Coomaraswamy providing expert testimony before the Court;⁶

NOTING the 11 June 2009 reply of the United Nations⁷ (“the Reply”) to the Request for Consent, transmitted to the Registrar of the Court;

¹ ICC-01/04-01/06-1105-Conf.

² ICC-01/04-01/06-1126-Conf.

³ ICC-01/04-01/06-1137-Conf.

⁴ ICC-01/04-01/06-1175.

⁵ ICC-01/04-01/06-T-176-Conf-Eng ET, p. 27, lines 1-6.

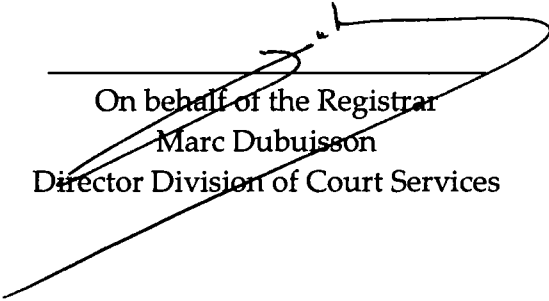
⁶ Herein attached as Annex 1.

⁷ Herein attached as Annex 2.

NOTING Regulations 24*bis* and 44 of the Regulations 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 Ms. Radhika Coomaraswamy to the extent that is necessary to permit her to assist the Trial Chamber in the trial of the case of the *Prosecutor v. Thomas Lubanga Dyilo* with expert oral testimony, on the issues that were the subject of her written submission of 17 March 2008;⁸”

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 7 July 2009

At The Hague, The Netherlands

⁸ Id. at p.2.