

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 July 2010

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
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***

**Confidential
Urgent**

**Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the
Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further
Consultations with VWU**

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
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

Ms Maria Luisa Martinod Jacome

**Victims Participation and Reparations
Section**

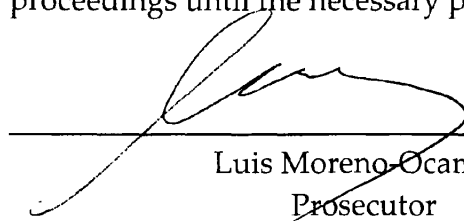
Other

Introduction

1. The Trial Chamber has instructed the Prosecution to disclose to the defence the identity of intermediary 143 by 16:30 of today. The Prosecution has an obligation to comply with the Chamber's instruction, but also to fulfil its statutory duties of protection. The Prosecution consider that it cannot disclose the information in the current circumstances, but will consult with VWU as to whether the security situation allows for disclosure now. Also, it is critical to know whether there is any need to implement urgent interim measures prior to disclosure. It intends to request such advice from VWU on an urgent basis. The Prosecution accordingly requests a variation of the time-limit imposed by the Trial Chamber for disclosure until such advice is provided by VWU.
2. Should the Trial Chamber consider that this request should not be granted, then the Prosecution requests, in the alternative, that trial proceedings be stayed pending consultations and implementation of the necessary protective measures, in the interests of the overall safety and well-being of intermediary 143.
3. The Prosecution is bound by autonomous statutory duties of protection that it must honour at all times. Beyond taking any step that may have adverse consequences for the safety and well-being of a person, the Prosecution must take all necessary steps to prevent any risk or harm.
4. In the instant case, the Prosecution considers it indispensable that prior to any disclosure being effected, the Prosecution be satisfied that it is acting in compliance with its specific duties under the Statute and the Rules.

Relief sought

5. Based on the foregoing, the Prosecution requests the Trial Chamber to
- (i) Vary the time-limit to disclose the identity of 143, or
 - (ii) Stay proceedings until the necessary protective measures are in place.



Luis Moreno-Ocampo
Prosecutor

Dated this 7th of July 2010
At The Hague, The Netherlands