

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 October 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

**Decision issuing a corrigendum to the
"Decision on disclosure issues, responsibilities for protective measures and other
procedural matters" of 24 April 2008**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

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-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

Ms Maria Luisa Martinod Jacome

Detention Section

Victims Participation and Reparations Section

Other

1. The Trial Chamber issued a "Decision on Disclosure Issues, Responsibilities for Protective Measures and other Procedural Matters" on 24 April 2008 ("Decision").¹
2. On 8 May 2008, the Trial Chamber issued confidential and public redacted versions of the Decision.²
3. It has come to the attention of the Chamber that the Decision contains a clerical error in paragraph 99 that necessitates correction.³
4. In consequence, paragraph 99 of the *ex parte*, confidential redacted and public redacted versions of the Decision should read as follows:

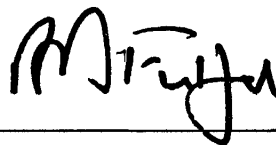
Should a witness indicate a settled intention not to cooperate further with the Court, or if he cannot be traced, the Chamber must consider whether it is sufficient, in order to secure fairness, to disclose to the accused a redacted version of his or her statement and any other relevant material on an anonymous basis. It will have to decide whether, given the witness is not available to testify, the evidential value of his or her statement and the need to disclose his or her identity are significantly reduced, and as regards the latter, effectively eliminated. Consideration will be given to the extent to which, in these particular circumstances, the exculpatory elements have been sufficiently dealt with by other witnesses who apparently are available to give evidence, and whether what remains of evidential or "spring-board" value can be provided by service of statements from which the witness's identity and whereabouts have been redacted.

¹ ICC-01/04-01/06-1295-Conf-Exp.

² Decision issuing a confidential and public redacted version of "Decision on Disclosure Issues, responsibilities for Protective Measures and other Procedural Matters", ICC-01/04-01/06-1311 with a confidential redacted version attached as Annex 1 (ICC-01/04-01/06-1311-Conf-Anx1) and a public redacted version attached as Annex 2 (ICC-01/04-01/06-1311-Anx2).

³ In the first sentence, the word "her" was omitted after "his or".

Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 6 October 2009

At The Hague, The Netherlands