

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 2 June 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**

**(with confidential Annex 1 and public Annex 2)**

**Decision issuing corrected and redacted versions of "Decision on the  
Prosecution's Request for Non-Disclosure of the Identity of Twenty-Five  
Individuals providing *Tu Quoque* Information" of 5 December 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 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**

1. The Trial Chamber issued a “Decision on the “Prosecution’s Request for Nondisclosure of the Identity of Twenty-Five Individuals providing *Tu Quoque* Information” of 5 December 2008” on 9 April 2009 (“Decision”).<sup>1</sup> A corrigendum to the Decision was issued on 05 May 2009.<sup>2</sup>
  
2. It has come to the attention of the Chamber that the Decision contains further clerical errors requiring correction:
  - Paragraph 13, first line, should refer to “15 January 2009” instead of “15 January 2008”;
  
  - Footnote 53 should refer to “ICC-01/04-01/06-T-103-CONF-EXP-ENG” instead of “ICC-01/04-01/06-T-102-CONF-EXP-ENG”;
  
  - Paragraph 38, second line, should refer to “witness DRC-OTP-WWWW-0292” instead of “witness DRC-OTP-WWWW-0299”;
  
  - Footnote 99, first line, should refer to “paragraph 89”;
  
  - Footnote 100 should refer to “DRC.00130.269” instead of “DRC-OTP-0131-0055”;
  
  - Footnote 101 should refer to “DRC.00131.055” instead of “DRC.00130.269”;
  
  - Footnote 109 should refer to “page 5, paragraph 6(d)(i)” instead of “page 4, paragraph 6(a)(ii)”;

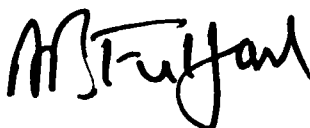
---

<sup>1</sup> ICC-01/04-01/06-1814-Conf.

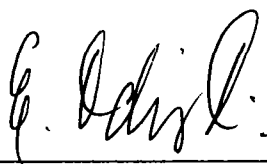
<sup>2</sup> ICC-01/04-01/06-1836-Conf.

- Footnote 123 should refer to “DRC-00111-728” and “DRC-000111-736” instead of “DRC-0011-728” and “DRC-0011-736”;
  - Footnote 125 should refer to “paragraph 16” instead of “paragraph 15”;
  - Footnote 128, second line, should refer to “DRC-OTP-0152-0751” instead of “DRC-OTP-0152-0752”;
  - Point b of paragraph 55 should refer to “DRC-OTP-WWWW-0292” instead of “DRC-OTP-WWWW-0299”.<sup>3</sup>
3. For ease of reference, the correct version of the Decision is attached as Confidential (prosecution and defence only) Annex 1.
  4. A public redacted version of the Decision is attached as Public Annex 2.

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



**Judge Adrian Fulford**



**Judge Elizabeth Odio Benito**



**Judge René Blattmann**

Dated this 2 June 2009

At The Hague, The Netherlands

<sup>3</sup> Annex Z to the Prosecution’s Clarifications to the “Prosecution’s Request for Non-Disclosure of the Identity of Twenty-Five Individuals providing Tu Quoque Information” filed on 19 December 2008, 19 January 2009, ICC-01/04-01/06-1632-Conf-Exp-AnxZ, page 14 erroneously refers to Witness DRC-OTP-WWWW-0299. The applications themselves (ICC-01/04-01/06-1632-Conf-Exp of 19 January 2009 and ICC-01/04-01/06-1545-Conf-Exp of 5 December 2008) correctly refer to Witness DRC-OTP-WWWW-0292.