

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 24 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**

**Decision issuing confidential and public redacted versions of "Decision on the 'Prosecution's Request for Non-Disclosure of the Identity of Eight Individuals providing Rule 77 Information' of 5 December 2008 and 'Prosecution's Request for Non-Disclosure of Information in One Witness Statement containing Rule 77 Information' of 12 March 2009"**

**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. On 12 June 2009, the Chamber issued the “Decision on the ‘Prosecution’s Request for Non-Disclosure of the Identity of Eight Individuals providing Rule 77 Information’ of 5 December 2008 and ‘Prosecution’s Request for Non-Disclosure of Information in One Witness Statement containing Rule 77 Information’ of 12 March 2009” (“Decision”).<sup>1</sup>
2. In this Decision the Chamber authorized the non-disclosure of certain information, including the identities of some witnesses who are not trial witnesses, in material provided to the defence in accordance with Rule 77 of the Rules of Procedure and Evidence. To ensure that the non-disclosure does not cause prejudice to the defence, the Chamber also authorized the service of alternative evidence and admissions of fact as proposed by the prosecution.
3. The Chamber hereby issues:
  - i. a confidential redacted version of the Decision (attached as Annex 1) to be notified to the prosecution, defence and legal representatives of the victims participating in the proceedings;
  - ii. a public redacted version of the Decision (attached as Annex 2).

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<sup>1</sup> Decision on the “Prosecution’s Request for Non-Disclosure of the Identity of Eight Individuals providing Rule 77 Information” of 5 December 2008 and “Prosecution’s Request for Non-Disclosure of Information in One Witness Statement containing Rule 77 Information” of 12 March 2009, 12 June 2009, ICC-01/04-01/06-1965-Conf-Exp.

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



**Judge Adrian Fulford**



**Judge Elizabeth Odio Benito**



**Judge René Blattmann**

Dated this 24 June 2009

At The Hague, The Netherlands