

## **The References and sources**

1. Bergsmo, M. and P. Kruger, "Article 54", in O. Triffterer (ed.), *Commentary on the Rome Statute of the International Criminal Court, Observers' Notes, Article by Article*, Baden, 2008.
2. ICC Press Release, *Communications Received by the Office of the Prosecutor of the ICC*, No. pids.009.2003-EN, 16 July 2003.
3. *Prosecutor v. Lubanga*, Defense's response to "Prosecution's submissions on undisclosed documents containing potentially exculpatory information", Case No. ICC-01/04-01/06-1291, 22 April 2008.
4. *Prosecutor v. Lubanga*, Order on the "Prosecution's submission on undisclosed documents containing potentially exculpatory information", Case No. ICC-01/04-01/06-1259, 3 April 2008.
5. *Prosecutor v. Lubanga*, Prosecution's submission regarding the subjects that require early determination: trial date, languages to be used in the proceedings, disclosure and e-court protocol, Case No. ICC-01/04-01/06-951, 11 September 2007.
6. *Prosecutor v. Lubanga*, Prosecution's application for authorization to disclose and rely on incriminating evidence for which Article 54 (3) (e) restrictions have been lifted, Case No. ICC-01/04-01/06-1129-Conf, 24 January 2008.
7. *Prosecutor v. Lubanga*, Prosecution submission on undisclosed documents containing potentially exculpatory information, Case No. ICC-01/04-01/06-1248, 28 March 2008.
8. *Prosecutor v. Lubanga*, Prosecution's submission on Article 54(3)(e) confidentiality agreements, Case No. ICC-01/04-01/06-1267, 7 April 2008.
9. *Prosecutor v. Lubanga*, Second Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, UN Doc. S/2003/566.
10. *Prosecutor v. Lubanga*, Statement of the delegate of the Democratic Republic of the Congo in the Sixth Committee, UN Doc.A/59/C.6/SR.6, (2004).
11. *Prosecutor v. Lubanga*, Transcript of hearing, Case No. ICC-01/04-01/06-T-81-CONF-EXP-ENG, 9 April 2008.
12. *Prosecutor v. Lubanga*, Transcript of hearing, Case No. ICC-01/04-01/06-T-69-ENG, 10 January 2008.
13. *Prosecutor v. Lubanga*, Transcript of hearing, Case No. ICC-01/04-01/06-T-52-ENG, 1 October 2007.
14. *Prosecutor v. Lubanga*, Transcript of hearing, Case No. ICC-01/04-01/06-T-55-ENG, 2 October 2007.
15. *Prosecutor v. Lubanga*, Transcript of hearing, Case No. ICC-01/04-01/06-T-79-ENG, 13 March 2008.

16. Prosecutor v. Lubanga, Transcript of hearing, Case No. ICC-01/04-01/06-T-89-ENG, 10 June 2008.
17. Prosecutor v. Lubanga, Transcript of hearing, Case No. ICC-01/04-01/06-T-86-ENG, 6 May 2008.
18. United Nations, Consolidated Appeals Process, Uganda: Mid-Year Review 2004.
19. United Nations, Second Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, UN Doc. S/2003/566, 2003.
20. Wouters, Jan and et. al., The International Criminal Court's Office of the Prosecutor: Navigating between Independence and Accountability? In Jose Doria et al. (eds.), *The Legal Regime of the ICC: Essays in Honor of Prof. I.P. Blishchenko*, 2009.

## **Investigations of ICC in the Situation of Congo and its Challenges; From International Criminal Prosecutor's Duties to informant's Role**

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### **Abstract**

The Prosecutor of the international criminal in investigation in Congo, take an unprecedented approach. Prosecutor preferred to take informants performance instead of using the prosecutors office's personnel for research. Hence negotiated with them for confidential contract. The Prosecutor in this contract accept two conditions; privacy information and contract resources and the use of research in advance and earn new arguments were committed. But these conditions challenge the Prosecutor with the ban on resorting documents to advance criminal court records, and an inability to obtain the license of informants for the reasons provided to the judges face. This article is about the Prosecutor's approach to the conflict, according to the terms of the confidential agreement possible with the provisions of the articles of statute and the International Criminal Court taken procedural with analysis and critical review.

### **Keywords**

Criminal research, Status of the Congo, International Criminal Prosecutor, Confidential Contract, Informants.

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