

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 07 June 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
vs. THOMAS LUBANGA DYILO**

Public Redacted Version

**Submission of Information on the Prosecution's Efforts to Obtain the Consent of the
Information Provider to Disclose to the Defence an Item of Potentially Exculpatory
Material**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf, Senior Trial Lawyer

Counsel for the Defence

Mr Jean Flamme

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

7 June 2006

Background

1. On 22 May 2006, the Pre-Trial Chamber issued the "Decision on the Prosecution Filing of 19 April 2006 and Application of 24 April 2006" (Decision)¹.
2. In the Decision, the Pre-Trial Chamber requested the Prosecution to inform the Chamber, no later than 7 June 2006, of the outcome of its efforts to obtain the provider's consent to disclose to the Defence an item of potentially exculpatory material referred to in the Prosecution's *ex parte* "Submission of Potentially Exculpatory Evidence" (Exculpatory Submission)² of 19 April 2006.

Updated Information

3. As stated in the "Supplemental Briefing provided in respect of the Article 54(3)(e) submission of 19 April 2006"³, the Prosecution formally applied to REDACTED for the disclosure of the exculpatory information contained in Annex 1 of the Exculpatory Submission to the Defence, as well as for the disclosure of the name of the Information Provider to both the Defence and the Pre-Trial Chamber.
4. The request to REDACTED was sent on 5 May 2006. The request indicated the urgency of the matter. Recent contacts with REDACTED confirmed that the

1 Decision on the Prosecution Filing of 19 April 2006 and Application of 24 April 2006, 22 May 2006, ICC-01/04-01/06-116-Conf.

2 Submission of Potentially Exculpatory Evidence, 19 April 2006, ICC-01/04-01/06-81-Conf-Exp.

3 Supplemental Briefing provided in respect of the Article 54(3)(e) submission of 19 April 2006, 8 May 2006, ICC-01/04-01/06-94-Conf-Exp, paragraph 9.

request is currently being processed. However, no response has been received yet.

5. The Prosecution will inform the Pre-Trial Chamber once a response is obtained.



 **Luis Moreno-Ocampo**
Prosecutor

Dated this 7th day of June 2006

At The Hague, The Netherlands