

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 14 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 Document with Confidential Annex

**Submission of Original Evidentiary Materials, Previously Disclosed to
Counsel for the Defence pursuant to Article 61(3)(b) of the Rome Statute**

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

1. In compliance with the Decisions of the Single Judge of the Pre-Trial Chamber of 15 May 2006¹ and of 24 May 2006,² the Prosecution herewith submits nine documents and one video that on 9 June 2006 have been disclosed to Counsel for the Defence pursuant to Article 61(3)(b) of the Rome Statute. In addition, the Prosecution submits a CD containing the electronic versions of these items.

2. The Prosecution submits the originals of the documents identified as numbers 1, 6, 7, 8, 9 and 10 in the annexed "List of disclosed materials."³

3. The Prosecution has noted that, whilst the right document was disclosed, the ERN of the document listed under number 8 (DRC-OTP-0148-0376) in the "List of disclosed materials" is mistaken. The Prosecution herewith⁴ corrects the ERN as follows: DRC-OTP-0147-0320.

4. In relation to the documents detailed in the "List of disclosed materials" under numbers 2, 3 and 4 the Prosecution submits that these documents were received by the Prosecution electronically. Therefore, in respect of these documents, the Prosecution is not in a position to submit their originals. Electronic versions of these documents are included in the CD containing the electronic version of the disclosed items.

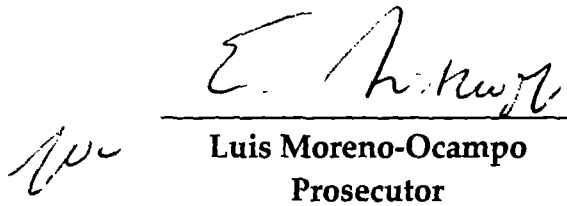
¹ Decision on the Final System of Disclosure and the Establishment of a Timetable, 15 May 2006.

² Decision on the Postponement of the Confirmation Hearing and the Adjustment of the Timetable Set in the Decision on the Final System of Disclosure, 24 May 2006.

³ Confidential Annex 1.

⁴ For the information of both the Pre-Trial Chamber and Counsel for the Defence.

5. In respect of the video - number 5 in the "List of disclosed materials" - the Prosecution refers to paragraph 10 of the "Prosecution's Submission on Further Information and Materials" (Prosecution Submission).⁵ Accordingly, the Prosecution is not in a position to submit the original VHS cassette. Instead, the copied video-footage forms also part of the CD containing the electronic version of the disclosed items.



Luis Moreno-Ocampo
Prosecutor

Dated this 14th day of June 2006
At The Hague, The Netherlands

⁵ Prosecution's Submission of Further Information and Materials, filed *ex parte* on 27 January 2006. The redacted version of the Prosecution Submission was reclassified as public by the 19 April 2006 Decision of the Pre-Trial Chamber.