

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 24 July 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

**Communication of Original Evidentiary Materials following Disclosure to the
Defence of Incriminating Evidence pursuant to Article 61(3)(b) of the Rome
Statute on 21 July 2006**

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 thirty-six items that on 21 July 2006 have been disclosed to 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. In particular, the Prosecution submits the originals of the documents identified as numbers 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 26 in the annexed "List of disclosed materials."³

3. The Prosecution has disclosed documents with redactions under numbers 3, 14 and 29. Due to the redactions, the Prosecution submits paper-copies of the documents concerned, instead of the originals.⁴

4. The Prosecution collected the materials detailed in the "List of disclosed materials" under numbers 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 32, 33, 34, 35, and 36 electronically. Therefore, in respect of these materials, the Prosecution is not in a position to submit their originals. Electronic versions of these materials are included in the CD containing the electronic version of all disclosed materials.

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 Attached hereto as Confidential Annex.

⁴ The Prosecution is in the possession of the original of the document under number 3. The Prosecution collected the documents under numbers 14 and 29 electronically.

5. The disclosed items include documents that have previously been received by the Prosecution under the condition of confidentiality pursuant to Article 54(3)(e) of the Rome Statute under numbers 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 in the "List of disclosed materials". Meanwhile, the respective providers, at the request of the Prosecution, have lifted the restriction. Accordingly, the Prosecution has disclosed the documents.⁵


 Luis Moreno-Ocampo
Prosecutor

Dated this 24th day of July 2006
At The Hague, The Netherlands

⁵ The document under number 3 contains redactions as requested by the respective provider.