

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 24 August 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 the Disclosure Note following Disclosure to the Defence of
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute
on 23 August 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 and following the disclosure of potentially exculpatory evidence on 23 August 2006, the Prosecution herewith files the "Disclosure Note".³
2. The "Disclosure Note" includes the "List of disclosed materials" detailing the items that fall under Article 67(2) of the Rome Statute and that have been disclosed to the Defence on 23 August 2006.⁴ The "Disclosure Note" is signed by both Parties.
3. The document under number 3 of the "List of disclosed materials" is a handwritten document. In addition to the electronic copy, the Prosecution has also provided the Defence with the paper-copy of the document.
4. The Prosecution has disclosed the document under number 3 of the "List of disclosed materials" with redactions.
5. In addition, the Prosecution on 23 August 2006 disclosed the third spreadsheet containing excerpts of witness statements that can be considered as potentially exculpatory evidence in terms of Article 67(2) of the Rome Statute. For reasons of protection of victims and witnesses, the

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 refers to its oral submissions at the occasion of the status conference of 14 July 2006. See (English) transcript, at pages 46 and 47.

Prosecution has used pseudonyms. The Prosecution continues to review its witness statements and will continue to disclose relevant excerpts.


 Luis Moreno-Ocampo
Prosecutor

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