

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original : English

No.: ICC-01/04-01/06
Date: 28 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 Original Evidentiary Materials following Disclosure to the
Defence of Incriminating Evidence pursuant to Article 61(3)(b) of the Rome
Statute on 28 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 the Prosecution herewith submits forty items that on 28 August 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. Amongst the items set out in the "List of disclosed materials"³, the Prosecution submits the originals of the documents identified as numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 33, 37, 38, 39, and 40.⁴

3. The Prosecution collected the materials detailed in the "List of disclosed materials" under numbers 20, 21, 22, 29, 30, 31, 32, 34, 35 and 36 in electronic format. 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 Although the "List of disclosed materials" says that the first page of the document under number 17 is DRC-OTP-0044-0333, the original of this document starts with the registration number DRC-OTP-0044-0335. This discrepancy is apparently caused by a mistake during the actual registration process. The two pages of DRC-OTP-0044-0333 and DRC-OTP-0044-0334 are the duplicates of DRC-OTP-0044-0335 and DRC-OTP-0044-0336, and also form part of original of another document. The original of the document under number 17 herewith submitted forms a complete whole.

4. The documents under numbers 2, 4, 6, 38 and 39 of the "List of disclosed materials" are handwritten documents. In addition to the electronic copies, the Prosecution has also provided the Defence with paper-copies of the documents.




Luis Moreno-Ocampo
Prosecutor

Dated this 28th day of August 2006
At The Hague, The Netherlands