

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 27 September 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 Annexes

**Communication of Original Evidentiary Materials following Disclosure to the
Defence of Incriminating Evidence pursuant to Article 61(3)(b) of the Rome
Statute on 25 and 26 September 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
Ms Véronique Pandanzyla

**Office of Public Counsel
for the Defence**
Ms Melinda Taylor

1. In compliance with the Decisions of the Single Judge of the Pre-Trial Chamber of 15 May 2006¹, 24 May 2006² and 20 September 2006³, the Prosecution herewith submits the items that on 25 and 26 September 2006 have been disclosed to the Defence pursuant to Article 61(3)(b) of the Rome Statute. In addition, the Prosecution submits two CDs containing the electronic versions of these items.

2. In this particular instance, the Prosecution submits three separate lists of disclosed materials in the context of disclosure pursuant to Article 61(3)(b) of the Rome Statute, as follows:
 - (a) "List of disclosed materials" for package 16 ("Confidential Annex 1");
 - (b) "List of disclosed materials" for package 17 ("Confidential Annex 2"); and
 - (c) "List of disclosed materials" for package 18 ("Confidential Annex 4").

3. With regard to the package 16, the Prosecution collected the two items under numbers 5 and 11 included in the Confidential Annex 1 in their original form, and it has already submitted these originals on 29 August

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 Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, 20 September 2006 ("Second Decision").

2006⁴ and 19 September 2006⁵ respectively. The Prosecution collected the materials detailed in the Confidential Annex 1 under numbers 1, 2, 3, 4, 6, 7, 8, 9, and 10 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 a CD herewith submitted. The documents set out in the Confidential Annex 1 under numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 include redactions as approved by the Single Judge.⁶

4. As to the package 17, the Prosecution has possession of the originals of all the materials listed in the Confidential Annex 2. Since all these materials include redactions as approved the Single Judge,⁷ the Prosecution herewith submits the paper-copies of the materials.
5. On 26 September 2006, the Prosecution has disclosed one additional item pursuant to Article 61(3)(b) of the Rome Statute as detailed in the Confidential Annex 4. The Prosecution provided this item to the Defence as a professional courtesy as it is a French version of an English document already disclosed on 8 May 2006. Since the Prosecution collected this document in electronic format, it is not in a position to submit the original. Electronic version of this document is included in a CD herewith submitted.

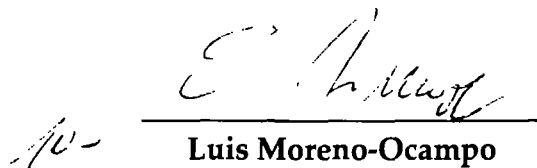
⁴ Prosecution's Request for Authorisation of Redactions in Documents Previously Disclosed to the Defence, 29 August 2006.

⁵ The item number 10 of the Confidential Annex to the Communication of Original Evidentiary Materials following Disclosure to the Defence of Incriminating Evidence pursuant to Article 61(3)(b) of the Rome Statute on 15 September 2006, filed by the Prosecution on 19 September 2006.

⁶ Second Decision.

⁷ Second Decision.

6. In addition, the Prosecution has disclosed thirty-five documents "related to witness statements" as set out in the annexed "List of disclosed materials".⁸ In this context, the Prosecution has disclosed the documents under numbers 14, 17, 19, 20, 21, 22, 23, 25, 27, 28, 29, 31, 32 and 33 with redactions as authorised by the Single Judge.⁹


Luis Moreno-Ocampo
Prosecutor

Dated this 27th day of September 2006
At The Hague, The Netherlands

⁸ Attached hereto as Confidential Annex 3.

⁹ Second Decision.