

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 11 October 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, 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 the Disclosure Note following Disclosure to the Defence of
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute
on 9 October 2006**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

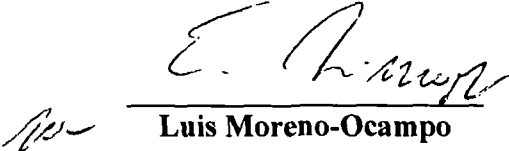
Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla

**Office of Public Counsel
for the Defence**

Ms Melinda Taylor

1. In compliance with the Decisions of the then Single Judge of the Pre-Trial Chamber of 15 May 2006¹, 24 May 2006² and 4 October 2006³, and following the disclosure of potentially exculpatory evidence on 9 October 2006, the Prosecution herewith files the "Disclosure Note".⁴
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 9 October 2006.⁵ The "Disclosure Note" is signed by both Parties.
3. In addition, complying with the order of the Single Judge,⁶ the Prosecution on 9 October 2006 disclosed to the Defence a spreadsheet containing excerpts of summaries of witness statements and transcripts of interviews that can be considered as information of potentially exculpatory nature or otherwise material to the Defence's preparation for the confirmation hearing.


Luis Moreno-Ocampo
Prosecutor

Dated this 11th day of October 2006
 At The Hague, The Netherlands

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 Decision concerning the Prosecution Proposed Summary Evidence, 4 October 2006 ("Decision on Summary Evidence").

⁴ Attached hereto as Confidential Annex.

⁵ 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.

⁶ Decision on Summary Evidence.