

**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 Original Evidentiary Materials following Disclosure to the
Defence of Incriminating Evidence pursuant to Article 61(3)(b) 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 5 October 2006³, the Prosecution herewith submits the items that on 9 October 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. The items disclosed by the Prosecution are detailed in the annexed "List of disclosed materials".⁴ Amongst the items set out in the list, the Prosecution has possession of the originals of the materials identified as numbers 1 and 2. Since these materials include redactions as approved by the Single Judge,⁵ the Prosecution herewith submits the paper-copies of the materials.
3. The Prosecution has generated the materials detailed in the "List of disclosed materials"⁶ under numbers from 3 to 19 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 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 Decision on the Prosecution Application of 5 October 2006 ("Decision on Prosecution Application").

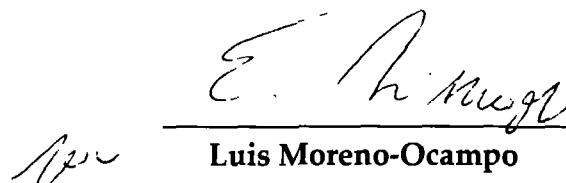
⁴ Attached hereto as Confidential Annex 1.

⁵ Decision on Prosecution Application.

⁶ Confidential Annex 1.

disclosed on 9 October 2006 pursuant to Article 61(3)(b) of the Rome Statute.⁷

4. In addition, the Prosecution has disclosed eighty-two 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 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 54, 55, 61, 66, 67, 68, 69, 70, 76, 77, 78, 79, 80, 81, 82 of the list with redactions as authorised by the Single Judge.⁹


Luis Moreno-Ocampo
Prosecutor

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

⁷ The material identified as number 17 of the Confidential Annex 1 is a summary of a transcript of interview. This summary contains redactions to the reference numbers of documents related to the witness statement on which the summary is based. The Single Judge has ordered the non-disclosure of these documents, without links to the witness summary, in the Decision concerning the Prosecution Proposed Summary Evidence, 4 October 2006 ("Decision on Summary Evidence"). As a result, the Prosecution has redacted only those document reference numbers that relate to documents not to be disclosed in the Decision on Summary Evidence, which were inadvertently included in this summary. The Prosecution herewith submits the paper-copy of the material.

⁸ Attached hereto as Confidential Annex 2.

⁹ Decision on Summary Evidence.