

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-01/04-01/06  
Date: 6 November 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 Annex**

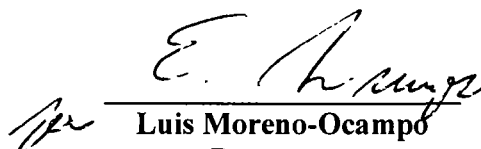
**Communication of the Disclosure Note following Disclosure to the Defence of  
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute  
on 1 November 2006**

**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

**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 2006<sup>1</sup> and of 24 May 2006,<sup>2</sup> and following the disclosure of potentially exculpatory evidence on 1 November 2006, the Prosecution herewith files the "Disclosure Note".<sup>3</sup>
  
2. The "Disclosure Note" includes the "List of disclosed materials" detailing the materials that fall under Article 67(2) of the Rome Statute and that have been disclosed to the Defence on 1 November 2006.<sup>4</sup> The item under number 1 of the list contains redactions as authorised by the Single Judge.<sup>5</sup> The "Disclosure Note" is signed by both Parties.

  
**Luis Moreno-Ocampo**  
**Prosecutor**

Dated this 6<sup>th</sup> day of November 2006  
 At The Hague, The Netherlands

<sup>1</sup> Decision on the Final System of Disclosure and the Establishment of a Timetable, 15 May 2006.

<sup>2</sup> 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.

<sup>3</sup> Attached hereto as Confidential Annex.

<sup>4</sup> 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.

<sup>5</sup> Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81, 20 September 2006.