

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 26 January 2007

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

Prosecution's Information on Further Disclosure of Incriminatory Evidence

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**

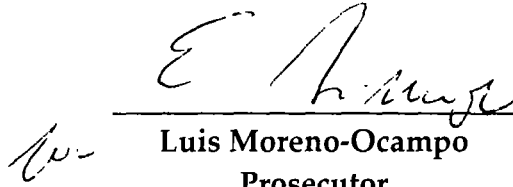
Ms Melinda Taylor

1. On 25 January 2007, the Prosecution, in addition to the disclosure of a potentially exculpatory document and the provision for pre-inspection of materials that fall under Rule 77, disclosed further incriminatory evidence pursuant to Article 64(3)(c). In the cover-letter to this disclosure, the Prosecution informed the Defence as follows: *"The Prosecution discloses the material as incriminatory evidence pursuant to Article 64(3)(c). The Prosecution notes that it discloses the materials for use in the event that the Pre-Trial Chamber confirms the Document Containing the Charges."*
2. In addition, the Prosecution prior to disclosure informed the Defence orally that it would notify the Pre-Trial Chamber of the disclosure but it would not file the incriminatory evidence in the record of the case against Thomas Lubanga Dyilo because in its view the 15 May 2006 "Decision on the Final System of Disclosure and the Establishment of a Timetable"¹ does not apply anymore; the Prosecution furthermore emphasized its opinion that it would be inappropriate at this stage – after the Confirmation Hearing – to provide the Pre-Trial Chamber with further incriminatory evidence. In light of these assurances, the Defence accepted the disclosure of the documents concerned.²

¹ Decision on the Final System of Disclosure and the Establishment of a Timetable, public, 15 May 2006.

² The Prosecution makes reference to its filing on "Prosecution's Information on Further Disclosure of Incriminatory Evidence", public, 27 December 2006.

3. Accordingly, the Prosecution herewith informs the Pre-Trial Chamber about the fact of the disclosure of further incriminatory evidence.


Luis Moreno-Ocampo
Prosecutor

Dated this 26th day of January 2007
At The Hague, The Netherlands