

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 15 November 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR vs. THOMAS LUBANGA DYILO**

Public with Confidential Annex

**Prosecution's Information with respect to the Pre-Trial Chamber's Decision allowing
the Legal Representatives of the Victims access to the Public Documents on the
Prosecution's Amended List of Evidence**

The Office of the Prosecutor

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

Legal Representatives of Victims

a/0001/06 to a/0003/06

Mr Luc Walley
Mr Franck Mulenda

Legal Representative of Victims a/0105/06

Ms Carine Bapita Buyangandu

Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla

**Office of Public Counsel
for the Defence**

Ms Melinda Taylor

Background

1. On 10 November 2006, the legal representatives of victims a/0001/06 to a/0003/06 and a/0105/06 jointly filed the "Demande conjointe des représentants légaux des victimes aux fins de recevoir les documents publics contenues dans les listes de preuves".¹
2. On 13 November 2006, the Pre-Trial Chamber orally delivered its decision and ordered the Prosecution and the Defence to identify the documents on its respective lists of evidence that are not confidential. The Prosecution was ordered to provide a list of such documents to the legal representatives of the victims by 9:30 a.m. on 14 November 2006 and the Defence was ordered to do the same by 17 November 2006 at 4:00 p.m.² The Prosecution complied with this order.³
3. On 15 November 2006, the Pre-Trial Chamber orally ordered the Prosecution to file in the record the list of its evidence that is not confidential, as it was provided to the legal representatives of the victims, as follows: "I would also like to ask you to file in the record the evidence which was presented yesterday on behalf of the victims".⁴

¹ ICC-01/04-01/06-691.

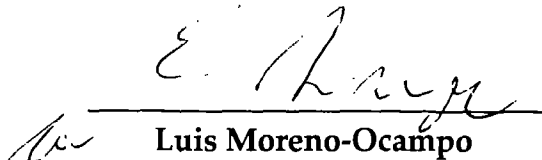
² See (English) transcript of the 13 November 2006 open session of the confirmation hearing, page 79, lines 2-13 (ICC-01-04-01-06-T-33-CONF-EN).

³ See (English) transcript of the 14 November 2006 open session of the confirmation hearing, page 2, lines 20-25 and page 3, lines 1-2 (ICC-01-04-01-06-T-34-CONF-EN).

⁴ See (English) transcript of the 15 November 2006 closed session of the confirmation hearing, page 22, lines 20-22 (ICC-01-04-01-06-T-36-CONF-EN).

Present Submission

4. In compliance with the order of the Chamber in its oral ruling, the Prosecution is hereby filing the list of documents on the Prosecution's Amended List of Evidence to which the Legal Representatives of the Victims a/0001/06 to a/0003/06 and a/0105/06 have been given access.⁵


Luis Moreno-Ocampo
Prosecutor

Dated this 15th day of November 2006
At The Hague, The Netherlands

⁵ The list is attached as Confidential, Annex 1.