

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 6 February 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, 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

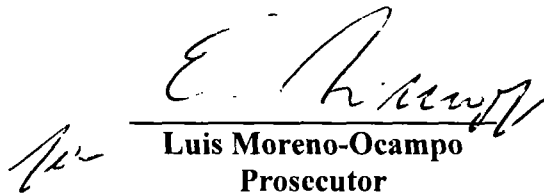
**Communication of the Disclosure Note following Disclosure to the Defence of
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute
on 5 February 2007**

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 and of 24 May 2006², and following the disclosure of potentially exculpatory evidence on 5 February 2007, the Prosecution herewith files the "Disclosure Note".³
2. The "Disclosure Note" includes the "List of disclosed materials" detailing three items that contain information falling under Article 67(2) of the Rome Statute. The materials have been disclosed to the Defence on 5 February 2007.⁴ The "Disclosure Note" is signed by both Parties.



Luis Moreno-Ocampo
Prosecutor

Dated this 6th day of February 2007
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. The Prosecution notes that the disclosure framework created by the 15 May 2006 and 24 May 2006 Decisions was put in place for the purposes of the Confirmation Hearing. Given the ongoing nature of the Prosecution's disclosure obligations pursuant to Article 67(2) of the Rome Statute, the Prosecution continues to apply the framework created by the two Decisions provisionally.

³ Attached hereto as Confidential Annex.

⁴ 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.