

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06

Date: 8 June 2006

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 Annexes

Submission of Inspection Report and Request

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

Inspection pursuant to Rule 77 on 2 June 2006

1. In compliance with the Decisions of the Single Judge of the Pre-Trial Chamber of 15 May 2006¹ and 24 May 2006,² the Prosecution herewith submits the "Inspection Report"³ in respect of the inspection of materials that fall under Rule 77.
2. The inspection took place on the premises of the Office of the Prosecutor (OTP), in the Prosecution's inspection room,⁴ on Friday, 2 June 2006. In addition, the Prosecution has provided the Defence with a CD containing electronic versions of the inspected documents.⁵

Request

3. With the aim to make the inspection pursuant to Rule 77 as efficient as possible, the Parties at the occasion of a meeting on 2 June 2006 have agreed to in the future apply the following procedure, if and when endorsed by the Single Judge: In the event the materials concern documents,⁶ the Prosecution submits them to Defence in electronic format.⁷ Defence identifies the documents, if any, that it

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

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 The "Inspection Report" of 2 June 2006 is attached as confidential Annex 1.

⁴ Room 743.

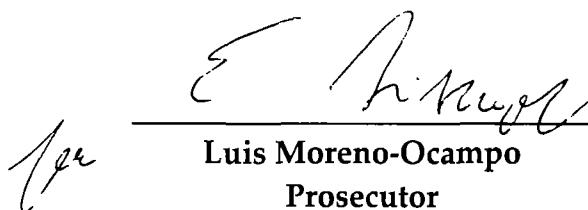
⁵ The Acknowledgement of Receipt of 2 June 2006 is attached as confidential Annex 2.

⁶ As distinguished from artifacts. If and when artifacts are the subject of inspection, the Prosecution will always provide for physical inspection.

⁷ The Prosecution will submit the receipt, signed by both parties, detailing the information requested by paragraph 75 of Annex I to the 15 May 2006 Decision.

wishes to inspect physically. The Prosecution will then make available for physical inspection the originals of the documents identified by the Defence.⁸

4. Since this procedure changes some elements of the procedure on Rule 77 inspection as established by the Single Judge,⁹ the Parties request the Single Judge to endorse the suggested procedure.¹⁰


Luis Moreno-Ocampo
Prosecutor

Dated this 8th day of June 2006
At The Hague, The Netherlands

⁸ Counsel for the Defence, following an e-mail exchange between the Parties, on 7 June 2006 has explicitly agreed to the content of this filing.

⁹ See Decision on the Final System of Disclosure and the Establishment of a Timetable, 15 May 2006, Annex I, at paras. 113 to 115, and 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.

¹⁰ The Prosecution has scheduled the next Rule 77 inspection for Friday, 9 June 2006.