

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 23 October 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

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

Public with confidential annex

**Prosecution's provision of electronic versions of incriminatory evidence
disclosed to the Defence after the confirmation hearing**

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

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers

Background:

1. In compliance with the Decisions of the then Single Judge of the Pre-Trial Chamber I of 15 May 2006¹, 24 May 2006² and 5 October 2006³, the Prosecution filed with the Registry the originals - where available⁴ - of the evidentiary materials of incriminatory nature disclosed to the Defence pursuant to Article 61(3)(b) of the Rome Statute.

2. The Prosecution is of the view that after the completion of the Confirmation Hearing the previous system of disclosure is not applicable any more. In particular, there is no ongoing obligation to file the originals of the incriminatory materials with the Registry.

3. The Prosecution understands that the incriminating evidence filed during the pre-confirmation stage is accessible to the Trial Chamber pursuant to Rule 130 of the Rules of Procedure and Evidence.

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

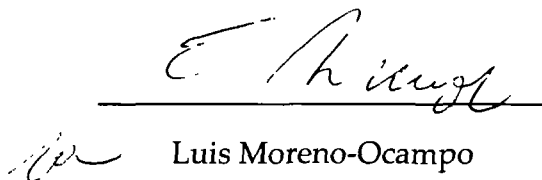
² Decision on the Postponement of the Confirmation Hearing and the Adjustment of the Timetable Set in the Decision on the Final System of Disclosure, 24 May 2006.

³ Decision on the Prosecution Application of 5 October 2006, 5 October 2006.

⁴ If evidentiary materials were obtained electronically, the Prosecution submitted electronic versions.

**Submission of electronic copies of incriminatory evidence disclosed to the
Defence after the Confirmation Hearing:**

4. In accordance with the invitation of the Trial Chamber during the hearing on 1 October 2007,⁵ the Prosecution herewith files electronic copies of all evidentiary materials of incriminatory nature that have been disclosed to the Defence pursuant to Article 64(3)(c) of the Rome Statute between the completion of the Confirmation Hearing and 19 October 2007.⁶


Luis Moreno-Ocampo
Prosecutor

Dated this 23rd day of October 2007

At The Hague, The Netherlands

⁵ See Transcript of 1 October 2007 Hearing (English), p. 36.

⁶ The list of disclosed materials is attached as – confidential – Annex.