

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 2 November 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 annexes

**Prosecution's provision of electronic versions of incriminatory evidence
disclosed to the Defence on 31 October 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

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

Submission of electronic copies of incriminatory evidence disclosed to the Defence:

1. In accordance with the invitation of the Trial Chamber during the hearing on 1 October 2007,¹ on 23 October 2007 the Prosecution filed electronic copies of all evidentiary materials of incriminatory nature that had been disclosed to the Defence pursuant to Article 64(3)(c) of the Rome Statute.²
2. The Prosecution hereby files electronic copies of further evidentiary materials of incriminatory nature which were disclosed to the Defence on 31 October 2007.³
3. The Prosecution draws the attention of the Trial Chamber to the fact that the disclosed materials include, *inter alia*, a number of video materials.⁴
4. In addition, the Prosecution draws the Trial Chamber's attention to the fact that it disclosed to the Defence evidentiary materials that would

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

² See the Prosecution's provision of electronic versions of incriminatory evidence disclosed to the Defence after the confirmation hearing of 23 October 2007.

³ The lists of disclosed materials are attached as – confidential – Annexes 1 and 2.

⁴ The video materials are under the following ERNs: DRC-OTP-0080-0002, DRC-OTP-0152-0132, DRC-OTP-0081-0007, DRC-OTP-0082-0002, DRC-OTP-1001-0008, DRC-OTP-1001-0012, DRC-OTP-1001-0014, DRC-OTP-1008-0008.

support the view that the armed conflict in Ituri during portions of the period relevant to the Document Containing the Charges was of an international character.⁵ The Prosecution emphasizes that the disclosure of these documents does not have a bearing on the position it took in its 12 September 2007 submission on the characterization of the armed conflict.⁶




Luis Moreno-Ocampo

Prosecutor

Dated this 2nd day of November 2007

At The Hague, The Netherlands

⁵ These materials include the documents with the following ERNs: DRC-OTP-0100-0314, DRC-OTP-0107-0541, DRC-OTP-0107-0774, DRC-OTP-0126-0017, DRC-OTP-0126-0078, DRC-OTP-0128-0119, DRC-OTP-0131-0144, DRC-OTP-0136-0072, DRC-OTP-0137-0031, DRC-OTP-0137-0083, DRC-OTP-0137-0328, DRC-OTP-0137-0384, DRC-OTP-0137-0386, DRC-OTP-0137-0760, DRC-OTP-0154-0884, DRC-OTP-0155-0753, DRC-OTP-0168-0006. In light of the fact that the Document containing the charges made no reference to an armed conflict of an international character, the Prosecution has linked these documents to paragraph 7 of the Document Containing the Charges in the "ICC-01/04-01/06 Element of Statement of Facts" field. The Defence has been duly informed.

⁶ See Prosecution's submission regarding the subjects that require early determination: status of evidence heard by the Pre-Trial Chamber; status of decisions of the Pre-Trial Chamber; and manner in which the evidence shall be submitted, 12 September 2007.