

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 12 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 annex

**Prosecution's provision of electronic copies of incriminatory evidence
disclosed to the Defence on 9 November 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 Mabille
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 and 31 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 9 November 2007.³
3. In compliance with the Trial Chamber's 9 November 2007 "Decision Regarding the Timing and Manner of Disclosure and the Date of Trial",⁴ the Prosecution will file the originals of the disclosed evidence by the end of November 2007.

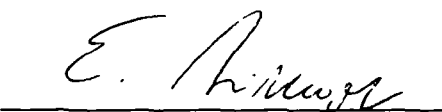
¹ See Transcript of 1 October 2007 Hearing (English), p. 36.

² See the Prosecution's provision of electronic versions of incriminatory evidence disclosed to the Defence after the confirmation hearing of 23 October 2007 and the Prosecution's provision of electronic versions of incriminatory evidence disclosed to the Defence on 31 October 2007.

³ The list of disclosed materials is attached as – confidential – Annex.

⁴ ICC-01/04-01/06-1019.

4. In addition, the Prosecution draws the Chamber's attention to the fact that on 9 November 2007 it disclosed to the Defence further evidentiary materials that would support the view that the armed conflict in Ituri during the period relevant to the Document Containing the Charges was of an international character⁵. 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 characterisation of the armed conflict.⁶



 Luis Moreno-Ocampo
 Prosecutor

Dated this 12th day of November 2007

At The Hague, The Netherlands

⁵ These materials include the documents with the following ERNs: DRC-OTP-0019-0028, DRC-OTP-0038-0176, DRC-OTP-0131-0153 and DRC-OTP-0172-0205. 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.