

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 7 December 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 communication of originals of incriminatory evidence disclosed
to the Defence on 5 December 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 Mabile
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

1. The Prosecution herewith submits electronic versions of the 45 items¹ disclosed to the Defence as incriminating evidence on 5 December 2007.
2. The items disclosed to the Defence on 5 December 2007 are listed in the annex "List of disclosed materials".²
3. The Prosecution draws the attention of the Trial Chamber to the fact that five documents³ which contained redactions authorized by the Single Judge of the Pre-Trial Chamber⁴, have now been re-disclosed to the Defence with fewer redactions.
4. In addition, four statements⁵ and 20 documents⁶ which contained redactions authorized by the Single Judge of the Pre-Trial Chamber⁷, have now been re-disclosed to the Defence without any redactions.

¹ These items include the statements of witnesses.

² The list of disclosed materials is attached as – confidential – Annex 1.

³ It concerns documents: DRC-OTP-0066-0002, DRC-OTP-0087-0211, DRC-OTP-0087-0227, DRC-OTP-0087-0228, DRC-OTP-0105-0085.

⁴ Pursuant to the following decisions: ICC-01/04-01/06-234-Conf-Exp, "Decision on the Prosecution Amended Application pursuant to Rule 81(2)", 2 August 2006, ICC-01/04-01/06-453-Conf-Exp, "Second Decision on the Prosecution's Requests and Amended Requests for Redactions under Rule 81", 20 September 2006, and ICC-01/04-01/06-524, "Decision on the Prosecution's Application of 5 October 2006", 5 October 2006.

⁵ It concerns the statements: DRC-OTP-0087-0146, DRC-OTP-0087-0188, DRC-OTP-0127-0074, DRC-OTP-0155-0070.

⁶ It concerns the documents: DRC-OTP-0087-0207, DRC-OTP-0087-0213, DRC-OTP-0087-0215, DRC-OTP-0087-0216, DRC-OTP-0087-0217, DRC-OTP-0087-0219, DRC-OTP-0087-0220, DRC-OTP-0087-0221, DRC-OTP-0087-0229, DRC-OTP-0087-0230, DRC-OTP-0087-0223, DRC-OTP-0087-0235, DRC-

5. In compliance with the Trial Chamber's 9 November 2007 "Decision Regarding the Timing and Manner of Disclosure and the Date of Trial" ("Trial Chamber's Decision"),⁸ the Prosecution also files the evidence in its original form with the Registry.

6. The Prosecution informs the Trial Chamber that one item was collected in electronic format only (namely on a CD)⁹. As a result, the Prosecution is not in possession of the physical original of this item and will file with the Registry the CD which contains this item instead.



 Luis Moreno-Ocampo
Prosecutor

Dated this 7th day of December 2007

At The Hague, The Netherlands

OTP-0087-0236, DRC-OTP-0087-0238, DRC-OTP-0087-0245, DRC-OTP-0087-0247, DRC-OTP-0087-0251, DRC-OTP-0087-0255, DRC-OTP-0087-0256, DRC-OTP-0136-0173.

⁷ See footnote 4.

⁸ ICC-01/04-01/06-1019, para 22.

⁹ It concerns: DRC-OTP-0136-0173.