

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 12 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 the electronic version of incriminatory
evidence disclosed to the Defence on 11 December 2007**

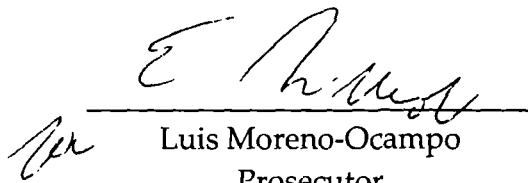
The Office of the Prosecutor

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 the electronic version of the video tape disclosed to the Defence as incriminating evidence on 11 December 2007.
2. The video tape disclosed to the Defence on 11 December 2007 is listed in the annexed "List of disclosed materials".¹
3. The Prosecution draws the attention of the Trial Chamber to the fact that this video is a complete enhanced version of the video which was disclosed to the Defence as incriminating evidence on 26 October 2007. The Prosecution also disclosed an enhanced excerpt of the same video to the Defence as incriminating evidence on 31 October 2007.
4. 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"),² the Prosecution filed this video tape in its original form with the Registry on 3 December 2007.³


 Luis Moreno-Ocampo
 Prosecutor

Dated this 12th day of December 2007
 At The Hague, The Netherlands

¹ The "List of disclosed materials" is attached as – confidential – Annex.

² ICC-01/04-01/06-1019, para 22.

³ See Confidential Annex 2 of "Prosecution's communication of originals of incriminatory evidence disclosed to the Defence pursuant to the order of the Trial Chamber of 9 November 2007", ICC-01/04-01/06-1054.