

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 14 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 - *Ex Parte* - Prosecution Only Attachment
and Confidential - *Ex Parte* - Prosecution Only Annexes**

Submission of the Prosecution's Summary of Presentation of Evidence

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Counsel for the Defence

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

Background

1. On 9 November 2007, the Trial Chamber rendered its “Decision Regarding the Timing of Disclosure and the Date of Trial” (“Decision on Disclosure”).¹ In the Decision on Disclosure, the Trial Chamber ordered the Prosecution to serve its “summary of presentation of evidence” by 16:00 hours on 14 December 2007.²

Summary of presentation of evidence

2. The Prosecution submits the summary of presentation of evidence.³ It summarises the main points of the Prosecution’s case and the principal evidence the Prosecution presently intends to offer at trial in support of the charges against Thomas LUBANGA DYILO.
3. The Annexes⁴ detail how the Prosecution’s evidence is related to the paragraphs in the Document Containing the Charges.⁵

¹ ICC-01/04-01/06-1019.

² ICC-01/04-01/06-1019, at paras 25 and 26.

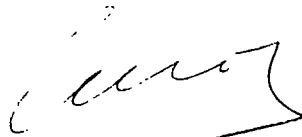
³ Attached as Confidential - *Ex Parte* - Prosecution Only Attachment. The Prosecution will hand over to the Defence on 14 December 2007 a copy of the partially redacted Confidential - Prosecution and Defence Only Attachment and copies of the partially redacted Confidential - Prosecution and Defence Only Annexes.

⁴ Attached as Confidential - *Ex Parte* - Prosecution Only Annexes 1 and 2.

⁵ Annex 1 concerns witnesses. Annex 2 concerns other evidence.

Characterisation of the armed conflict

4. In light of the “Decision on the status before the Trial Chamber of evidence heard by the Pre-Trial Chamber and the decisions of the Pre-Trial Chamber in trial proceedings, and the manner in which evidence shall be submitted”⁶ (Decision), the Prosecution will call all the available evidence on the issue of whether the relevant conduct took place in the context of, and was associated with, an international armed conflict.



Luis Moreno-Ocampo

Prosecutor

Dated this 14th day of December 2007

At The Hague, The Netherlands

⁶ ICC-01/04-01/06-1084. Reference is made to paragraph 50 of the Decision.