

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 22 February 2008

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 vs. THOMAS LUBANGA DYILO**

Public
with Confidential, *Ex Parte* Prosecution Only – Attachment A and Annex
Prosecution's Provision of Information on the Manner of Disclosure of One Document

The Office of the Prosecutor

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

Legal Representatives of the Victims

a/00001/06 to 1/00003/06 and 1/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Counsel for the Defence

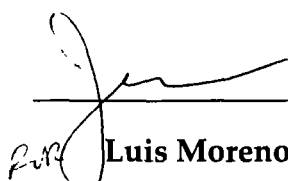
Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

Scope of Present Submission

1. The Prosecution is providing the Chamber with information on the manner of disclosure of one document. The Prosecution is disclosing the document with redactions to protect internal work product in accordance with Rule 81(1).
2. The Prosecution is also disclosing the document with redactions to protect the identity of a trial witness whose evidence must be disclosed by 29 February 2008. At that time, the Prosecution will lift the redactions in relation to this witness contained in the document.

Ex Parte Filing

3. The Prosecution submits that the classification of Attachment A and its annex to the present filing as *Confidential-Ex Parte – Prosecution Only* is necessary.¹
4. The rights of the Accused are maintained to the extent that he has been made aware of the filing and its legal basis, but cannot be privy to the specifics of the information that needs to be addressed. The Prosecution submits that no alternative procedures exist to deal with this filing.


 Luis Moreno-Ocampo
 Prosecutor

Dated this 22nd day of February 2008
 At The Hague, The Netherlands

¹ Decision on the procedures to be adopted for *ex parte* proceedings, 7 December 2007, ICC-01/04-01/06-1058 at para. 12. On 6 December 2007, the Trial Chamber determined that *ex parte* procedures are only to be used exceptionally when other procedures are not available. The Court must ensure that the use of the *ex parte* procedure is proportionate given the potential prejudice to the Accused.