

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 25 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 *v.* THOMAS LUBANGA DYILO**

Public

with confidential Prosecution and Defence only annex

**Prosecution's communication of original versions of incriminatory evidence
disclosed to the Defence on 22 February 2008**

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 Mabilie
Mr Jean-Marie Biju-Duval

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

Submission of originals of incriminatory evidence

1. The Prosecution informs the Trial Chamber that it disclosed to the Defence 14 items as incriminating evidence on 22 February 2008. These items are listed in the annexed "List of disclosed materials".¹
2. The Prosecution herewith submits original versions of three items.

Items for which no physical originals are being filed

3. The Prosecution submits that the original of one item² has already been filed with the Registry in the case "The Prosecutor v. Germain Katanga" on 21 January 2008.
4. The Prosecution further submits that in respect of four items³, the originals have not been filed because they are stored in a CD which contains one document which has not been disclosed.
5. Additionally, the Prosecution draws the attention of the Trial Chamber to the fact that six items⁴ have been disclosed to the Defence in redacted form on 22 February 2008. The redactions have been authorized by the Trial

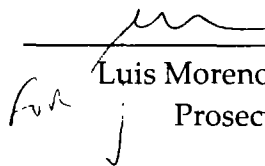
¹ The List of disclosed materials is the Confidential Prosecution and Defence Only – Annex.

² It concerns the document: DRC-OTP-0164-0534.

³ It concerns the documents: DRC-OTP-0188-0549, DRC-OTP-0188-0605, DRC-OTP-0188-0629 and DRC-OTP-0188-0661.

⁴ It concerns the documents: DRC-OTP-0150-0144, DRC-OTP-0150-0275, DRC-OTP-0160-0422, DRC-OTP-0162-0002, DRC-OTP-0162-0056 and DRC-OTP-1006-0054.

Chamber at the occasion of the Hearings of 13 December 2007⁵ and of 18 January 2008.⁶ In light of the fact that the materials contain redactions,⁷ the originals thereof have not been filed with the Registry.


Luis Moreno-Ocampo
Prosecutor

Dated this 25th day of February 2008
At The Hague, The Netherlands

⁵ ICC-01/04-01/06-T-65-ENG ET WT 13-12-2007 1-22 NB T, page 10, lines 12-25.

⁶ ICC-01/04-01/06-T-72-CONF-EXP-ENG ET 18-01-2008 1-17 NB T, page 2, lines 8-24.

⁷ Reference is made to the "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, para 9.