

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 3 March 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 annexes

**Prosecution's communication of original versions of incriminatory evidence
disclosed to the Defence on 29 February 2008**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
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Counsel for the Defence

Ms Catherine Mabilie
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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 169 items as incriminating evidence on 29 February 2008. These items are listed in the annexed "List of disclosed materials".¹
2. The Prosecution herewith submits original versions of 156 items.

Items for which no physical originals are being filed

3. The Prosecution provides the Registry with electronic copies of three disclosed items.² The evidence in its original form cannot be filed because it is stored in a container with other documents for which the Prosecution at this stage does not have a disclosure obligation.
4. Additionally, the Prosecution draws the attention of the Trial Chamber to the fact that ten items³ have been disclosed to the Defence in redacted form on 29 February 2008. The redactions have been authorized by the Trial Chamber in its Decisions of 31 January 2008,⁴ of 7 February 2008,⁵ of

¹ The List of disclosed materials is the Confidential, Prosecution and Defence Only – Annex 1. The Prosecution informs the Trial Chamber that in addition, it has disclosed a copy of an excerpt of video DRC-OTP-0120-0293 to the Defence. The original, DRC-OTP-0120-0293 had already been disclosed to the defense on 9 June 2006, 6 November 2006 and 26 October 2007.

² It concerns the documents: DRC-OTP-0152-0749, DRC-OTP-0188-0011, DRC-OTP-0188-0032.

³ It concerns the items: DRC-OTP-0096-0072, DRC-OTP-0126-0499, DRC-OTP-0161-0617, DRC-OTP-0179-0032, DRC-OTP-0180-0128, DRC-OTP-0180-0139, DRC-OTP-0180-0151, DRC-OTP-0180-0152, DRC-OTP-0188-0063 and DRC-OTP-0188-0088.

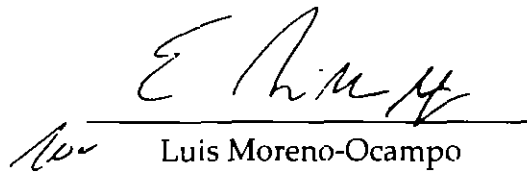
⁴ "Order granting Prosecution's application for non-disclosure of information provided by a witness", ICC-01/04-01/06-1146-Conf-Exp, paras 8-11.

⁵ "Order on Prosecution's application for non-disclosure of information provided by a witness", ICC-01/04-01/06-1159-Conf-Exp, paras 5-8.

28 February 2008,⁶ and at the occasion of the Hearings of 13 December 2007,⁷ of 18 January 2008.⁸ In light of the fact that the materials contain redactions,⁹ the originals thereof have not been filed with the Registry.

Submission of the trial witness list to the Defence

5. The Prosecution informs the Trial Chamber that it disclosed to the Defence an updated trial witness list. The version of the list disclosed on 29 February 2008 is attached to this filing.¹⁰


 Luis Moreno-Ocampo
 Prosecutor

Dated this 3rd day of March 2008
 At The Hague, The Netherlands

⁶ "Further Order on Prosecution's application for non-disclosure of information provided by a witness dated 6 February 2008", ICC-01/04-01/06-1196-Conf-Exp, paras 3-5.

⁷ ICC-01/04-01/06-T-65-ENG ET WT 13-12-2007 1-22 NB T, page 10.

⁸ ICC-01/04-01/06-T-72-CONF-EXP-ENG FT 18-01-2008 1-17 NB T, pages 2-6.

⁹ 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.

¹⁰ The List of "TRIAL WITNESSES – STATEMENTS/ SUMMARIES PREVIOUSLY DISCLOSED TO DEFENCE" is attached as Confidential – Prosecution and Defence Only Annex 2.