

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 18 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 17 March 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 15 items as incriminating evidence on 17 March 2008. These items are listed in the annexed "List of disclosed materials".¹
2. The Prosecution herewith submits original versions of 13 items.
3. The Prosecution further informs the Trial Chamber that in addition to these 13 items, the Prosecution now submits the original versions of two other items which had been disclosed to the Defence as incriminating evidence on 26 October 2007.²

Items for which no physical originals are being filed

4. The Prosecution draws the attention of the Trial Chamber to the fact that two items³ have been disclosed to the Defence in redacted form on 17 March 2008. The redactions were authorized by the Trial Chamber in its Decisions rendered orally on 13 December 2007,⁴ and on 18 January 2008.⁵

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

² On 26 October 2007 the Prosecution disclosed to the Defence items DRC-OTP-0173-1305 and DRC-OTP-0173-1316. These two items are stored in a DVD which is also the container of DRC-OTP-0173-1329, which was disclosed on 17 March 2007. The DVD had not previously been filed with the Registry because it was also the original container of materials (DRC-OTP-0173-1329) which had not yet been disclosed. In light of the fact that all materials contained in the DVD have now been disclosed, the Prosecution files the container with the Registry.

³ DRC-OTP-0179-0024 and DRC-OTP-0179-0032.

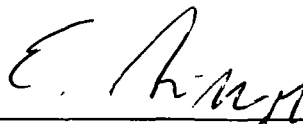
⁴ ICC-01/04-01/06-T-65-ENG ET WT 13-12-2007 1-22 NB T, page 10, lines 12-21.

⁵ ICC-01/04-01/06-T-72-CONF-EXP-ENG ET 18-01-2008 1-17 NB T, page 2, lines 8-17.

In light of the fact that the materials contain redactions,⁶ 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 17 March 2008 is attached to this filing.⁷




Luis Moreno-Ocampo
Prosecutor

Dated this 18th day of March 2008
At The Hague, The Netherlands

⁶ 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.

⁷ The List of "TRIAL WITNESSES – STATEMENTS/ SUMMARIES PREVIOUSLY DISCLOSED TO DEFENCE" is attached as Confidential – Prosecution and Defence Only Annex 2.