

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 1 April 2008

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

**Public Document
with confidential Prosecution and Defence only annexes**

**Prosecution's communication of original versions of incriminatory evidence
disclosed to the Defence on 28 March 2008**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Bruno Cathala

Defence Support Section

Victims and Witnesses Unit

Mr Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Other

Submission of originals of incriminatory evidence

1. The Prosecution informs the Trial Chamber that it disclosed to the Defence 110 items as incriminating evidence on 28 March 2008. These items are listed in the annexed lists of disclosed materials.¹
2. The Prosecution informs the Chamber that the evidence disclosed to the Defence on 28 March 2008 includes the x-rays taken from Prosecution witnesses who are former UPC/FPLC child soldiers. These x-rays were used by the Prosecution's expert witnesses for the purpose of determining the age of the former UPC/FPLC child soldiers. The disclosed evidence also includes reports from the radiographer who converted the x-rays into an electronic format that could be disclosed to the Defence through RingTail.²
3. The Prosecution herewith submits original versions of 107 items.³

Items for which no physical originals are being filed

4. The original of one item has already been filed with the Registry.⁴
5. The Prosecution is not filing the original of one other item⁵ with the Registry because it is stored in a CD which is the container of 96 other items which have not been disclosed.
6. Finally, the Prosecution informs the Trial Chamber that it is not presently in a position to file the original version of one other item,⁶ as it cannot be located.

¹ Three lists of disclosed materials are attached as Confidential, Prosecution and Defence Only Annexes 1-3.

² The items are listed in the Annex 1.

³ This includes the original x-rays.

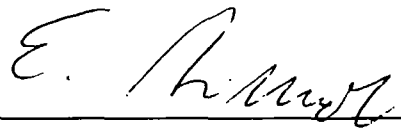
⁴ DRC-OTP-1012-0002.

⁵ DRC-OTP-0185-1224.

The Prosecution has conducted an inquiry concerning the location of this item.
Once the original is located, it will be filed with the Registry.

Submission of the trial witness list to the Defence

7. The Prosecution informs the Trial Chamber that it disclosed to the Defence an updated trial witness list. The version of the list disclosed on 28 March 2008 is attached to this filing.⁷



 Luis Moreno-Ocampo
Prosecutor

Dated this 1st day of April 2008

At The Hague, The Netherlands

⁶ DRC-OTP-0037-0278. This is a two-page document on UPC letterhead signed by Thomas LUBANGA DYILO, dated 1 October 2002. This is the only copy of this document in the Prosecution's possession. The document is of limited evidentiary value. It was lost within the Office of the Prosecutor's offices in The Hague.

⁷ The List of "TRIAL WITNESSES – STATEMENTS PREVIOUSLY DISCLOSED TO DEFENCE" is attached as Confidential – Prosecution and Defence Only Annex 4.