

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 May 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

**Prosecution's communication of original version of incriminatory evidence
disclosed to the Defence on 8 April 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

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Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

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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
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**Victims Participation and Reparations
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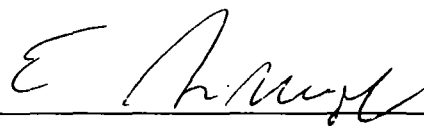
Other

Background

1. On 29 January 2008, the Prosecution disclosed to the Defence an expert report¹ ("Expert Report") on forensic examination of the age of a Prosecution's witness in redacted form. Following the implementation of protective measures, the Prosecution was able to disclose the identity of this witness to the Defence on 29 February 2008. On 8 April 2008, the Prosecution disclosed to the Defence the unredacted version of the Expert Report.²
2. On 10 April 2008, the Prosecution filed a "Prosecution's application for authorisation to add the unredacted version of an expert report on age determination to the evidence to be relied on at the trial".³ On 20 May 2008, the Trial Chamber issued a "Decision on Prosecution's application for authorisation to add the unredacted version of an expert report on age determination to the evidence to be relied on at the trial" granting the Prosecution's application as filed.⁴

Prosecution's communication of original version of incriminatory evidence disclosed to the Defence on 8 April 2008

3. The Prosecution herewith files with the Registry the original version of this Expert Report.



Ekkehard Withopf, Senior Trial Lawyer,
on behalf of
Luis Moreno-Ocampo, Prosecutor

Dated this 27th day of May 2008
At The Hague, The Netherlands

¹ DRC-OTP-0182-0432.

² ICC-01/04-01/06-1274.

³ ICC-01/04-01/06-1274, para 7.

⁴ ICC-01/04-01/06-1341, para 8.