

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 June 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 versions of incriminatory evidence
disclosed to the Defence on 15 April and 27 May 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

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Vaatainen

Detention Section

**Victims Participation and Reparations
Section**

Other

Background

1. This filing concerns the submission of the original versions of 18 items disclosed on 15 April 2008 and of one item disclosed on 27 May 2008 to the Defence as incriminating evidence.
2. In respect of 18 items disclosed to the Defence on 15 April 2008, the Prosecution makes reference to the background section of the "Prosecution's communication of original versions of 37 items disclosed to the Defence on 15 April 2008 and application for authorisation to add 19 further items of disclosed evidence to the evidence to be relied on at the trial".¹ On 4 June 2008, the Trial Chamber issued the "Decision on Prosecution's request to add items to the evidence to be relied on at trial filed on 21 April and 8 May 2008" in which the Trial Chamber authorizes the Prosecution to add 18 items to its incriminating evidence to be relied on at trial.²
3. In respect of one item disclosed to the Defence on 27 May 2008, the Prosecution makes reference to the background section of the "Prosecution's Response to the Trial Chamber's Order dated 20 May 2008".³ On 4 June 2008, the Trial Chamber issued the "Decision regarding the admissibility of a document disclosed by the prosecution" in which the Trial Chamber authorizes the Prosecution to add one item as incriminating evidence to be relied on at trial.⁴

¹ ICC-01/04-01/06-1287 at paras 1-3.

² ICC-01/04-01/06-1377 at para 32 a and b.

³ ICC-01/04-01/06-1335 at paras 1-3.

⁴ ICC-01/04-01/06-1378 at para 11.

Prosecution's communication of original versions of incriminatory evidence disclosed to the Defence on 15 April and 27 May 2008

4. The Prosecution herewith files the original versions of 17 items with the Registry.

Items for which no physical originals are being filed

5. The Prosecution informs the Trial Chamber that two items⁵ have been disclosed to the Defence in redacted form.⁶ Consequently,⁷ the originals of these two items have not been filed with the Registry.



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

Dated this 9th day of June 2008
At The Hague, The Netherlands

⁵ DRC-OTP-0113-0234 and DRC-OTP-0192-0189.

⁶ The redactions are made pursuant to Rule 81(1) of the Rule of Procedure and Evidence.

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.