

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 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 9 June 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

Defence Support Section

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

Mr Simo Vaatainen

**Victims Participation and Reparations
Section**

Other

Background

1. The Prosecution makes reference to the "Prosecution's application for authorisation to add further items to the evidence to be relied on at the trial".¹
2. On 4 June 2008, the Trial Chamber issued the "Decision on Prosecution's requests to add items to the evidence to be relied on at trial filed on 21 April and 8 May 2008" (the "Decision"), in which the Trial Chamber authorizes the Prosecution to add the following items to its incriminating evidence to be relied on at trial:
 - two audio tapes of witness DRC-OTP-WWWW-0187;²
 - four audio tapes of witness DRC-OTP-WWWW-0038;³
 - one investigator's note related to witness DRC-OTP-WWWW-0294;⁴ and
 - the French translations of an investigator's note related to witness DRC-OTP-WWWW-0157 and of an investigator's note related to witness DRC-OTP-WWWW-0116.⁵
3. In compliance with the Decision, the Prosecution disclosed 9 items to the Defence on 9 June 2008 as incriminating evidence. These items are listed in the annexed "List of disclosed material"⁶

¹ ICC-01/04-01/06-1312 at paras 2 and 5c-g.

² ICC-01/04-01/06-1377 at para 33c.

³ ICC-01/04-01/06-1377 at para 33d.

⁴ ICC-01/04-01/06-1377 at para 33e.

⁵ ICC-01/04-01/06-1377 at para 33f.

⁶ The List of disclosed material is the Confidential Prosecution and Defence Only – Annex.

Prosecution's communication of original versions of incriminatory evidence disclosed to the Defence on 9 June 2008

4. The Prosecution herewith files the original versions of 8 items with the Registry.

Item for which no physical original is being filed

5. The Prosecution informs the Trial Chamber that one item⁷ has been disclosed to the Defence in redacted form.⁸ Consequently,⁹ the original of this item has not been filed with the Registry.



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

Dated this 12th day of June 2008
At The Hague, The Netherlands

⁷ DRC-OTP-0192-0634.

⁸ The redactions are made pursuant to Rule 81(1) of the Rule of Procedure and Evidence.

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.