



Original: English

No.: ICC-01/04-01/06
Date: 28 October 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 - *ex Parte*- Prosecution only Annexes 1 to 7, 9, 10 and 11 and
Public Annex 8**

Prosecution's Provision of Further Translations

Source: Office of the Prosecutor

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

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INTRODUCTION

For the benefit of the Trial Chamber in determining the “Prosecution’s Application for Trial Chamber to review all the Undisclosed Evidence Obtained from Information Providers” (Application)¹, the Prosecution herewith provides seven further translations of the pertinent documents; six United Nations (UN) documents and one Non-Governmental Organisation (NGO) document. In addition, the Prosecution submits clarifications regarding the Application and the 22 October 2008 Filing.

BACKGROUND

1. On 14 October 2008, the Prosecution filed its Application in which it informed the Trial Chamber that it is now in a position to comply with each of the Trial Chamber’s pre-conditions to its review of the Undisclosed Evidence.²
2. On 22 October 2008, the Prosecution filed the “Prosecution’s submission of 93 documents highlighting the passages of potentially exculpatory value or falling within the parameters of Rule 77” (22 October Filing).³

¹ ICC-01/04-01/06-1477-Conf-Exp (with 214 Confidential – *ex parte* – Prosecution only annexes), and public redacted version, ICC-01/04-01/06-1478 (with 15 public annexes, 3 Confidential – Prosecution and Defence only annexes and 196 Confidential – *ex parte* – Prosecution only annexes).

² Paragraph 2 of the Application.

³ ICC-01/04-01/06-1477 Public, with Confidential – *Ex parte* – Prosecution only Annexes 1 to 94 and public annex 95.

Provision of Translations

3. As part of the Application, the Prosecution attached 214 Confidential - *ex parte* - Prosecution only annexes.⁴ Confidential - *ex parte* - Prosecution only Annexes 168 to 205 enclosed the 38 full translations of the documents from both the UN and NGOs that were provided to the Trial Chamber. Confidential - *ex parte* - Prosecution only Annexes 206 to 213 enclosed the 8 partial translations of NGO documents.
4. In footnote 28 of the Application, the Prosecution foreshadowed the provision of a further six translations of UN documents upon completion. Accordingly, these translations are attached to this filing as Confidential - *ex parte* - Prosecution only Annexes 1 to 6. They are translations of UN documents contained in Confidential - *ex parte* Prosecution only Annexes 10, 11, 31, 33, 34 and 36 of the Application.⁵
5. In addition, the Prosecution provides the Trial Chamber with a further translation of an NGO document contained in Confidential - *ex parte* Prosecution only Annex 77 of the Application. This translation is attached as Confidential - *ex parte* Prosecution only Annex 7 to this filing.⁶
6. The Prosecution also attaches an updated chart of concordance enabling it to instantly determine the relation between all of the 93 items and their translations. This is attached as Public Annex 8.⁷

⁴ ICC-01/04-01/06-1477 Conf-Exp. The Prosecution simultaneously submitted a public redacted version of its Application with 15 public annexes, ICC-01/04-01/06-1478.

⁵ These annexes contain the undredacted versions of the UN documents. The redacted versions of the same documents are contained in Confidential - *ex parte* Prosecution Annexes 147, 136, 131, 133, 114 and 134 respectively.

⁶ ERN of the translated version is DRC-OTP-0203-0315.

⁷ This is an updated version of the chart that was filed on 22 October 2008 as public Annex 95 with the " Prosecution's submission of 93 documents highlighting the passages of potentially

Clarifications

Application

7. First, the Prosecution wishes to clarify that in relation to Confidential - *ex parte* - Prosecution only Annex 127 to the Application⁸ (which is the redacted version of the document contained in Confidential - *ex parte* - Prosecution only Annex 6)⁹ there are highlights (visible in blue in Annex 6) in solid black caused by the transmission process of the document by the UN to the Prosecution¹⁰ which may appear as redactions; they are not. The UN has provided another version of this document without the black highlights, and with the redactions. This document is attached to the present filing as Confidential – *ex parte*- Prosecution only Annex 9.

8. Second, in relation to Confidential - *ex parte* - Prosecution only Annexes 152 and 153 to the Application, the Prosecution informs the Trial Chamber that redactions applied to the content of these documents were no longer necessary as the same information is already publicly available and therefore the 2 correct documents are resubmitted as Confidential – *ex parte*- Prosecution only Annexes 10 and 11.

exculpatory value or falling within the parameters of Rule 77, with Confidential - *ex parte* - Prosecution only Annexes 1 to 94 and public Annex 95", ICC-01/04-01/06-1488.

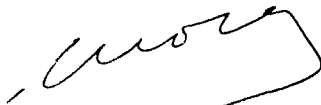
⁸ DRC-OTP-0202-0661.

⁹ DRC-OTP-0003-0339, also provided as Annex 1 to the "Prosecution's submission of 93 documents highlighting the passages of potentially exculpatory value or falling within the parameters of Rule 77".

¹⁰ As indicated on the document in Confidential - *ex parte* Prosecution only Annex 127 to the Application.

22 October Filing

9. In relation to the document in Confidential - *ex parte* - Prosecution only Annex 59 to 22 October Filing, the Prosecution notes that no highlights were indicated. The entire document was determined to fall within Rule 77 parameters.



Luis Moreno-Ocampo
Prosecutor

Dated this 28th day of October 2008
At The Hague, The Netherlands