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TRIAL CHAMBER I

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

**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 and 2
Prosecution's Provision of Analysis of Names in Two Documents**

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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I. Background

1. On 25 November 2008, the Trial Chamber ordered the Prosecution to cross-reference the names of the individuals appearing in two documents¹ against other items of evidence in order to determine whether the names appearing in other items of evidence also identify these individuals as demobilized child soldiers, which may heighten the evidential value of the two documents.²

II. Prosecution's Submissions

2. The Office of the Prosecutor conducted electronic searches in its evidence management system in order to determine whether any of the names in the two documents also appear in other items of evidence. The Prosecution has restricted the results of this review to items of disclosed evidence.
3. The document at DRC-OTP-0160-0190 records 600 names and the document at DRC-OTP-0160-0002 records 563 names. There exists a high degree of overlap in the names recorded in the two documents, as they purport to record the entry of demobilized child soldiers and their exit from the same transit centre.
4. After conducting a first level OCR (optical character recognition) search on the entire DRC collection (34,416 documents), the Prosecution identified a number of items of evidence in which the

¹ DRC-OTP-0160-0002 and DRC-OTP-0160-0190.

² ICC-01/04-01/06-T-99-ENG at page 26, lines 14-25 and page 27, lines 1-8.

names listed in the two documents were similar or identical to names listed in other items of disclosed evidence.

5. The Office of the Prosecutor then conducted a second level of analysis on the search results in order to determine, to the extent possible, whether the identified names in other contexts were in fact matches for demobilized child soldiers. This second level of analysis revealed that some of the matches were in fact not real matches, and yielded the following final results:³

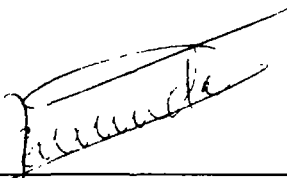
- (i) 63 of the 600 names recorded in the document at DRC-OTP-0160-0190 and 4 of the 563 names recorded in the document at DRC-OTP-0160-0002 appear to be a match⁴ with names appearing in other items of disclosed evidence;⁵
- (ii) 20 of the 600 names appearing in the document at DRC-OTP-0160-0190 and 5 of the 563 names recorded in the document at DRC-OTP-0160-0002 appear to be a *possible* match with names appearing in other items of disclosed evidence but the available information does not allow for a conclusive result; and

³ Attached hereto as Confidential – *Ex Parte* – Annexes 1 and 2 are charts detailing the analysis conducted by the Prosecution. Annex 1 sets out the analysis for the document at DRC-OTP-0160-0190 while Annex 2 sets out the analysis for the document at DRC-OTP-0160-0002. The Chart is confined to the matches that have been found (either identical or possible matches) and does not list any names for which no match was found. The document registration and page number for each item of disclosed evidence that is a match (either identical or possible) and contains the names from the documents is also listed in the attached charts.

⁴ The Prosecution notes that one item of disclosed evidence contains a number of the names recorded in the two documents : DRC-OTP-0138-0106, which is a chart recording details of interviews conducted by MONUC with child soldiers under the age of 18 years.

⁵ As mentioned above, the same names appear in both documents and only a small number of names in document DRC-OTP-0160-0002 are not already contained in Document DRC-OTP-0160-0190.

- (iii) the remainder of the names in the two documents do not appear in other disclosed items of evidence.⁶



Fatou Bensouda, Deputy Prosecutor (Prosecutions)
on behalf of
Luis Moreno-Ocampo, Prosecutor

Dated this 5th day of December 2008
At The Hague, The Netherlands

⁶ The Prosecution notes that the charts attached as Confidential-*Ex Parte* – Prosecution Only solely list the names from the two documents that were a match or a possible match to names contained in other items of disclosed evidence. For greater clarity, the Prosecution notes that the charts identify in the first column to the left the line number at which each name entry is recorded in document DRC-OTP-0160-0190 or document DRC-OTP-0160-0002 and that this is the reason why the numbers in the left column appear to skip ; it allows easier cross-referencing to the names in the two documents.