



Original: English

No.: ICC-01/04-01/06
Date: 23 December 2008

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 Public Redacted Annex 1
Prosecution's Provision of the Amended Document Containing the
Charges**

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 Walleyne

Mr Frank 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

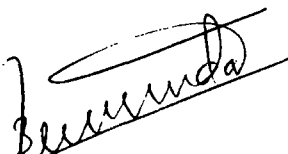
Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 9 December 2008, the Trial Chamber ordered the Prosecution to submit an amended Document containing the charges, in accordance with Regulation 52 of the Regulations, by 22 December 2008.¹
2. The Prosecution submits the amended Document containing the charges with the present filing. The Public redacted version of the Document containing the charges is attached hereto as Annex 1.
3. The Prosecution recalls the Trial Chamber's decision on 13 December 2007 that the Prosecution should be prepared to call and the Defence prepared to address all evidence on the nature of the armed conflict, following which the Chamber may explore whether the legal characterization of the first group of three charges should be modified.² The underlying charged conduct – conscription, enlistment, or use of child soldiers – is proscribed regardless whether the conflict is of an international or an internal nature.



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

Dated this 23rd day of December 2008
 At The Hague, The Netherlands

¹ ICC-01/04-01/06-1548, "Order for the prosecution to file an amended document containing the charges", 9 December 2008 at page 8.

² ICC-01/04-01/06-1084, "Decision on the status before the Trial Chamber of the evidence heard by the Pre-Trial Chamber and the decisions of the Pre-Trial Chamber in trial proceedings, and the manner in which evidence shall be submitted", 13 December 2007 at pages 24-26.