



Original: **English**

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

Date: 26 January 2009

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 Prosecution, Defence and Legal Representatives of Victims only
annex
Prosecution's communication of incriminatory evidence disclosed to the Defence
on 23 January 2009

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

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Jean Louis Gilissen
Mr Jean Chrysostome Mulamba
Nsokoloni
Mr Paul Kabongo Tshibangu
Mr Hervé Diakiese

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Submission of originals of incriminatory evidence

1. The Prosecution informs the Trial Chamber that it disclosed to the Defence 44 items of incriminating evidence on 23 January 2009. These 44 items are listed in the attached "List of Disclosed Materials".¹
2. All of these items were disclosed further to the Trial Chamber's "Decision on the Prosecution's Submission pursuant to the Trial Chamber's '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'" and the "Prosecution's related application for authorisation to add one item to the evidence to be relied on at trial" of 20 January 2009.²
3. The Prosecution herewith submits original versions of seven items.³

Item for which no physical original is being filed

4. The Prosecution informs the Trial Chamber that in respect of the remaining 37 items, the originals have previously been filed with the Registry.⁴



Luis Moreno-Ocampo
Prosecutor

Dated this 26th day of January 2009
At The Hague, The Netherlands

¹ Confidential, Prosecution and Defence Only, Annex

² ICC-01/04-01/06-1633.

³ The seven items are DRC-OTP-0187-0029, DRC-OTP-0192-0643, DRC-OTP-0192-0652, DRC-OTP-0192-0664, DRC-OTP-0192-0680, DRC-OTP-0192-0369 and DRC-OTP-0193-0144. In respect of the latter six items, these are electronic documents whose originals containers are being filed with the Registry. The containers are identified as DRC-OTP-0192-0642, DRC-OTP-0192-0368 and DRC-OTP-0193-0143.

⁴ The originals were filed following disclosure of Pre-Trial INCR Package 43 on 15 April 2008.