

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-01/06
Date: 5 February 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 Annex**

**Prosecution's communication of incriminatory evidence disclosed to the Defence
on 4 February 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

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

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Ms Paolina Massidda

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

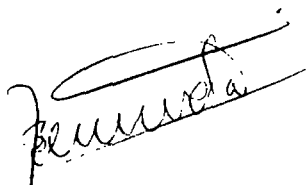
Other

Submission of originals of incriminatory evidence

1. The Prosecution informs the Trial Chamber that it disclosed to the Defence 7 items of incriminating evidence on 4 February 2009. These 7 items are listed in the attached "List of Disclosed Materials".¹
2. All of these items are English translations of previously disclosed statements for trial witnesses.
3. The Prosecution herewith submits the original version of 1 item.²

Item for which no physical original is being filed

4. The Prosecution informs the Trial Chamber that 2 items have been disclosed to the Defence in redacted form.³ In light of these redactions⁴, the originals of these items have not been filed with the Registry.
5. The remaining 4 items are electronic documents which will not be provided to the Registry as the containers also contain undisclosed documents.⁵



Fatou Bensouda on behalf of
Luis Moreno-Ocampo
Prosecutor

Dated this 5th day of February 2009
At The Hague, The Netherlands

¹ Confidential Annex.

² The original item is DRC-OTP-0165-0427. This is an electronic document whose original container is being filed with the Registry. The container is identified as DRC-OTP-0165-0234.

³ These are DRC-OTP-0171-1175 and DRC-OTP-0171-1693. The redactions are made pursuant to Rule 81(2) of the Rules of Procedure and Evidence and have been applied in accordance with the redactions made to the original documents.

⁴ 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.

⁵ The 4 items are DRC-OTP-0171-1417, DRC-OTP-0171-1431, DRC-OTP-0171-1457 and DRC-OTP-0171-1652.