

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 26 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 24 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

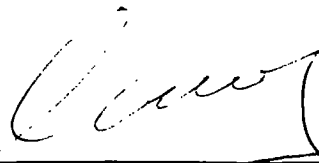
Detention Section

**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 1 item of incriminating evidence on 24 February 2009. This item is listed in the attached "List of Disclosed Materials".¹
2. The item is a revised transcript of recording DRC-OTP-0181-0533, containing a correction to one line.² The original transcript was disclosed as incriminatory evidence on 22 February 2008.³
3. The Prosecution herewith submits the original version of 1 item.⁴



Luis Moreno-Ocampo
Prosecutor

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

¹ Confidential Annex.

² The ERN of this revised transcript is DRC-OTP-0207-0265.

³ The original transcript, DRC-OTP-0189-0023, contained an error at line 699 on page DRC-OTP-0189-0042 where it wrongly identified the speaker as "EW" instead of as "interpreter".

⁴ DRC-OTP-0207-0265 is an electronic document whose original container is being filed with the Registry. The container is identified as DRC-OTP-0207-0264.