

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **10 March 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 5 March 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**

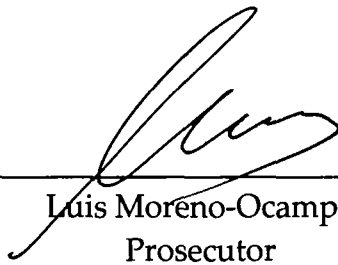
Other

Communication of incriminatory evidence

1. The Prosecution informs the Trial Chamber that it disclosed to the Defence one item of incriminating evidence on 5 March 2009. This item is listed in the attached "List of Disclosed Materials".¹
2. The item is a transcript of the recording of interview with trial witness WWWW-0011.² This was previously disclosed on 29 February 2008 and is now being re-disclosed with fewer redactions, further to the Trial Chamber's oral decision of 5 March 2009.³

Item for which no physical original is being filed

3. The Prosecution informs the Trial Chamber that the item was disclosed to the Defence in redacted form.⁴ In light of these redactions⁵, the original of this item has not been filed with the Registry.



Luis Moreno-Ocampo
Prosecutor

Dated this 10th day of March 2009
At The Hague, The Netherlands

¹ Confidential Annex.

² The ERN is DRC-OTP-0188-0063.

³ See ICC-01/04-01/06-T-143-CONF-EXP-ENG ET 05-03-2009, pages 3-5.

⁴ 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.

⁵ 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.