

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 04 May 2011

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. THOMAS LUBANGA DYILO***

Public

Registrar's Report on various outstanding EVD related matters.

Source: Registry

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

Ms Fatou Bensouda

Legal Representatives of the Victims

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

Unrepresented Victims

Counsel for the Defence

Ms Catherine Mabilille

Mr Jean-Marie Biju-Duval

Legal Representatives of Applicants

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

States' Representatives

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

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Charlotte Dahuron-Jacoby

Mr Uros Mijuskovic

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the “*Order on numbering of evidence*” (“Trial Chamber’s Order”) publicly filed by the Trial Chamber on 12 May 2010;¹

NOTING the Notification email from the Registry to the Chamber, parties and participants in the Lubanga case on 14 June 2010 (“Registry email”) indicating the range of EVD numbers to be assigned to all MFI documents listed in Annexes 1, 2 and 3 of the Trial Chamber’s Order;²

NOTING that the Registry email indicated that documents listed in Annex 1 will be assigned reference EVD-OTP-00570 to EVD-OTP-00587, while documents listed in Annex 2 will be assigned reference EVD-D01-00192 to EVD-D01-00292;

NOTING that with respect to Annex 1 of the Trial Chamber’s Order, EVD-OTP-00582 (MFI-P-00037), EVD-OTP-00583 (MFI-P-00038) and EVD-OTP-00587 (MFI-P-00110) have since been implemented in ringtail in accordance with Trial Chamber’s instruction of 10 June 2010, confirmed via email correspondence between Registry, OTP, Trial Chamber and others dated 5 July 2010;

NOTING that the Prosecution provided the Registry with the Doc ID reference relating to the outstanding video excerpts in Annex 1 of the Trial Chamber’s Order on 21 April 2011;³

NOTING the “*Requête de la Défense aux fins de reconsidération de l’ordonnance de la Chambre de première instance I portant le numéro ICC-01/04-01/06-2432, datée du 12 mai 2010*”, (“Defence application”) confidentially filed by the Defence on 11 October 2010;⁴

¹ ICC-01/04-01/06-2432.

² This is the email assigning EVD numbers to the documents listed in the annex to the Trial Chamber’s Order. No other Registry report was eventually filed.

³ See Annex B

⁴ ICC-01/04-01/06-2584-Conf

NOTING the *“Prosecution’s Response to the Defence’s “Requête de la Défense aux fins de reconsidération de l’ordonnance de la Chambre de première instance I portant le numéro ICC-01/04-01/06-2432, datée du 12 mai 2010”, (“Prosecution’s response”)* publicly filed by the Prosecution on 2 November 2010;⁵

NOTING the *“Decision on the defence request to reconsider the “Order on numbering of evidence” of 12 May 2010”, (“Trial Chamber’s Decision”)* publicly filed by the Trial Chamber on 30 March 2011;⁶

NOTING the *“Registrar’s Report on the Implementation of the “Decision on the defence request to reconsider the “Order on numbering of evidence” of 12 May 2010””* (“Registrar’s report”) publicly filed by the Registrar on 26 April 2011;⁷

NOTING that the documents contained in Annex A of the Registrar’s report, which are the contents of footnote 31 of Trial Chamber’s Decision, also form part of the documents listed in Annex 2 of the Trial Chamber’s Order, and assigned reference EVD-D01-00192 to EVD-D01-00292 in the Registry email;

NOTING that MFI-D-00049, MFI-D-00050 and MFI-D-00079 being among the documents mentioned in footnote 31 of the Trial Chamber’s Decision were inadvertently omitted from the list of documents set out in Annex A;⁸

NOTING that MFI-D-00101⁹, removed in accordance with Trial Chamber’s Decision, had been admitted and assigned EVD-OTP-00480 during trial on 7 July 2009 thus retains this EVD status;¹⁰

NOTING the oral ruling issued by the Trial Chamber on 1 April 2011 instructing that all documents admitted in evidence that are currently only carrying a pre-trial EVD number are to be issued a trial EVD number;¹¹

⁵ ICC-01/04-01/06-2601

⁶ ICC-01/04-01/06-2705

⁷ ICC-01/04-01/06-2728

⁸ See Annex C

⁹ One of the documents in footnote 31 of the Trial Chamber’s Decision

¹⁰ Transcript 205, page 35, line 1-8

NOTING that documents DRC-D01-0003-2463 (MFI-D00160), DRC-D01-0003-2499 (MFI-D00172), and DRC-D01-0003-2498 (MFI-D00171) which were previously assigned EVD-D01-00140, EVD-D01-00141, and EVD-D01-00142 respectively during the trial proceedings of 11 May 2010¹², but inadvertently further assigned with EVD-D01-00277, EVD-D01-00288 and EVD-D01-00287 respectively via the Registry email will retain their former EVD reference;¹³

NOTING article 64(9)(a) and (10) of the Rome Statute; rules 15, 63(2) and 64 of the Rules of Procedure and Evidence; regulations 28 and 53 of the Regulations of the Registry;

CONSIDERING that for purposes of clarity of the case record, it is necessary to have a record of the implementation of the above mentioned outstanding EVD matters;

SUBMITS in public annexes A, B and C the following:

- A) Documents initially issued EVD reference during pre-trial phase, and subsequently admitted during the trial phase without receiving a trial EVD reference,
- B) Outstanding Prosecution videos which have been assigned EVD reference pursuant to Trial Chamber's Order,
- C) Outstanding numbers previously assigned to documents in footnote 31 removed from the record as instructed in the Trial Chamber's Decision.

Marc Dubuisson, Director of the Division of Court Services

Per delegation of

Ms Silvana Arbia, Registrar

Dated this 04 May 2011

At The Hague in The Netherlands

¹¹ Transcript 342

¹² Transcript 284, Page 12, line 10-17.

¹³ EVD-D01-00140, EVD-D01-00141, and EVD-D01-00142 respectively