

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **14 May 2014**

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

IN THE CASE OF

***THE PROSECUTOR
v. THOMAS LUBANGA DYILO***

Public

Prosecution's Notice of Documents to be Used with Witness D-0040

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

Ms. Fatou Bensouda, Prosecutor
Mr. James Stewart
Mr. Fabricio Guariglia

Counsel for Thomas Lubanga Dyilo

Ms. Catherine Mabilie
Mr. Jean-Marie Biju-Duval
Ms. Caroline Buteau

Legal Representatives of Victims

Mr. Luc Walley
Mr. Franck Mulenda
Ms. Caroline Bapita Buyangandu
Mr. Paul Kabongo Tshibangu
Mr. Joseph Keta

Legal Representatives of Applicants

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

Mr. Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. In accordance with the Appeals Chamber's order of 30 April 2014,¹ the Prosecution informs the Chamber and the Defence that it may use the following documents, as appropriate, in its examination of D-0040:

- DRC-OTP-0127-0061 (EVD-OTP-00574);
- DRC-D01-0003-5977 (EVD-D01-01111);
- DRC-D01-0003-5979 (EVD-D01-01112);
- DRC-OTP-0014-0280;
- DRC-OTP-0003-0032;
- DRC-OTP-0236-0488;
- ICC-01/04-01/06-T-360-CONF (transcript of 13 June 2012).

2. Most of these documents have already been made available on eCourt by the Defence.² The Prosecution will make the additional document available on eCourt on 14 May 2014.

3. The Prosecution further notes that the earliest opportunity for it to interview D-0040 in advance of his testimony is 16 May 2014.³ In this light, consistent with the Appeals Chamber's guidance on the responsive nature of cross-examination,⁴ the Prosecution may seek leave to use additional documents in its examination of D-0040 before the Appeals Chamber. In this event, it will notify the Chamber and the Defence as soon as practicable.

¹ See ICC-01/04-01/06-3083 ("Order"), paras.20-21.

² See ICC-01/04-01/06-3087, paras.1-2.

³ See Order, paras.18-19.

⁴ See Order, para.23.



Fatou Bensouda, Prosecutor

Dated this 14th day of May 2014

At The Hague, The Netherlands