

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **16 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-0041

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 Section

Other

1. In accordance with the Appeals Chamber's orders of 30 April 2014¹ and 15 May 2014,² the Prosecution informs the Chamber and the Defence that it may use the following documents, as appropriate, in its examination of D-0041:
 - DRC-OTP-0120-0294 (EVD-OTP-00571);
 - DRC-D01-0003-5983;
 - DRC-OTP-0236-0489;
 - DRC-OTP-0236-0493;
 - DRC-OTP-0236-0494;
 - DRC-D01-0003-5980.
2. Most of these documents have already been made available on eCourt by the Defence or the Prosecution.³ The Prosecution will make the additional document (DRC-D01-0003-5980) available on eCourt on 16 May 2014.
3. In accordance with the Chamber's order of 15 May 2014, the Prosecution will file notice of any additional documents which it may use with D-0041 by 09:30 on 19 May 2014, with advance courtesy copies provided to the Appeals Chamber and parties and participants.⁴ Given the responsive nature of cross-examination as recognised by the Appeals Chamber, the Prosecution also reserves the right to request thereafter the use of additional documents, as may be required by the witness' testimony.⁵

¹ See ICC-01/04-01/06-3083 ("30 April Order"), paras.20-21.

² See ICC-01/04-01/06-3097 ("15 May Order"), Disposition, para.4.

³ See ICC-01/04-01/06-3087, paras.1-2; ICC-01/04-01/06-3093, paras.1-2.

⁴ 15 May Order, Disposition, para.3. The Prosecution alerts the Appeals Chamber, however, to the possibility that it may not be able to interview D-0041, if he consents, until Monday morning, after the deadline set. In this case, the Prosecution will give notice to the Appeals Chamber and the Defence as soon as practicable thereafter. See ICC-01/04-01/06-3095-Conf, para.4.

⁵ See 30 April Order, para.23. See also ICC-01/04-01/06-3095-Conf, para.4.



Fatou Bensouda, Prosecutor

Dated this 16th day of May 2014

At The Hague, The Netherlands