

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 23 November 2007

TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

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

Public

Prosecution's response to the Trial Chamber's request related to prior recorded testimony

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Representatives of Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Counsel for the Defence

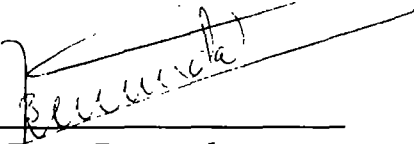
Ms Catherine Mabile
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

Background:

1. On 20 November 2007, a hearing was held regarding subjects that require early determination (the Hearing).
2. During the Hearing, the Trial Chamber requested the Defence and the Prosecution (the Parties) to discuss whether the documents that were commented upon by Ms. Peduto during her testimony before the Pre-Trial Chamber form part of the prior recorded testimony that could possibly be introduced before the Trial Chamber.

Information:

3. The Prosecution hereby informs the Trial Chamber that the Parties agree¹ that the documents commented upon by Ms. Peduto during her testimony before the Pre-Trial Chamber form part of Ms. Peduto's prior recorded testimony. The Parties agree that the written statement of Ms. Peduto does not form part of these documents.
4. The Parties also agree that the documents commented upon by Ms. Peduto during her testimony before the Pre-Trial Chamber are subject to the same admissibility test as other documents introduced before the Trial Chamber.



Hatou Bensouda
Deputy Prosecutor (Prosecutions)

Dated this 23rd day of November 2007
 At The Hague, The Netherlands

¹ The Defence was given the opportunity to read a draft of this filing and has explicitly agreed to the present language.