

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 8 February 2008

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
with confidential Prosecution and Defence only annex
**Prosecution's communication of electronic versions of incriminatory evidence
disclosed to the Defence on 7 February 2008**

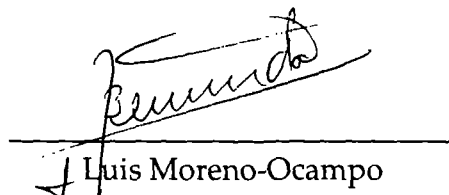
The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Counsel for the Defence
Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims
a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Submission of electronic copies of incriminatory evidence

1. The Prosecution herewith submits electronic versions of 2 items disclosed to the Defence as incriminating evidence on 7 February 2008. These items are listed in the annexed "List of disclosed materials".¹
2. The Prosecution informs the Trial Chamber that these two items had been disclosed² to the Defence in redacted form on 31 January 2008, with broad redactions, as had been authorized by the Chamber.³ The Prosecution has now re-disclosed them to the Defence with more discreet redactions, as had been ordered by the Trial Chamber.⁴ In light of the fact that the materials continue to contain redactions,⁵ the originals thereof have not been filed with the Registry.



Luis Moreno-Ocampo
Prosecutor

Dated this 8th day of February 2008
At The Hague, The Netherlands

¹ The List of disclosed materials is the Confidential Prosecution and Defence Only – Annex.

² "Prosecution's communication of originals of incriminatory evidence disclosed to the Defence on 31 January 2008", ICC-01/04-01/06-1152-Conf-Exp.

³ "Order granting prosecution's application for non disclosure of information provided by a witness", ICC-01/04-01/06-1146-Conf-Exp.

⁴ The redactions were authorized by the Trial Chamber on an interim basis, pursuant to Article 64(6)(e) and (f), in its 7 February 2008 "Order on prosecution's further application for non-disclosure of information provided by a witness", ICC-01/04-01/06-1159-Conf-Exp. The Prosecution will provide further justifications for these redactions at the occasion of the hearing on 12 and 13 February 2008.

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.