

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-01/04-01/06  
Date: 12 September 2006

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
Judge Akua Kuenyehia  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

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

**Public Redacted Document**

**Information following the Pre-Trial Chamber's Decision on the Prosecution deadline  
of 12 September 2006 and the Defence deadline of 12 September 2006**

**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**

a/0001/06 to a/0003/06  
Mr Luc Walley  
Mr Franck Mulenda

**Counsel for the Defence**

Mr Jean Flamme  
Ms Véronique Pandanzyla

**Office of Public Counsel  
for the Defence**

Ms Melinda Taylor

## Background

1. On 7 September 2006, the Pre-Trial Chamber rendered its "Decision on the Prosecution deadline of 12 September 2006 and the Defence deadline of 12 September 2006"<sup>1</sup> (Decision). In the Decision, the Pre-Trial Chamber decided that "the Prosecution has until 12 September 2006 to file:
  - (i) a document containing the amended charges, if any, together with the list of evidence that the Prosecution intends to bring in support of those charges at the hearing;
  - (ii) a list of new evidence, if any, on which the Prosecution intends to rely at the confirmation hearing ("the Prosecution List of Additional Evidence");
  - (iii) any request for leave to make redactions in any evidence on which the Prosecution intends to rely at the confirmation hearing and which was not included in the Prosecution Charging Document and List of evidence filed on 28 August 2006;"

## Information on Article 61(4)

2. The Prosecution does not intend to amend the charges pursuant to Article 61(4) and Rule 121(4). Accordingly, the Prosecution will neither file a document containing amended charges nor a list of new evidence.

---

<sup>1</sup> Decision on the Prosecution deadline of 12 September 2006 and the Defence deadline of 12 September 2006. public, 7 September 2006.

### Information on new evidence and requests

REDACTED

3. The Prosecution intends REDACTED at the Confirmation Hearing. Due to the fact that REDACTED, the Witness' statement is neither included in the Prosecution's List of Evidence nor was the Prosecution, to date, in a position to disclose it to the Defence.
4. On 25 August 2006, the Prosecution provided detailed information on this situation to the Single Judge. The Prosecution refers to the transcript of the *ex parte* Court hearing held on 25 August 2006<sup>2</sup> and incorporates its oral submission by reference. The Prosecution provides further information as follows:
  - (i) REDACTED.
  - (ii) Immediately afterwards, on 17 May 2006, the Prosecution requested REDACTED.
  - (iii) On 13 July 2006, the Prosecution, REDACTED, sent a further letter REDACTED, reminding REDACTED of the urgency of the 17 May 2006 request, and REDACTED.
  - (iv) On 14 August 2006, again following REDACTED with representatives of REDACTED, the Prosecution sent another letter to REDACTED, this time extending its request REDACTED.

---

<sup>2</sup> See (English) Transcript of the *ex parte* Court hearing of 25 August 2006, at pages 15 to 18.

- (v) To date, the Prosecution has not yet received a response of REDACTED. REDACTED has repeatedly acknowledged the priority of the Prosecution's requests and has announced a prompt response.

5. REDACTED to the Prosecution's requests in (near) future, the Prosecution requests the Pre-Trial Chamber

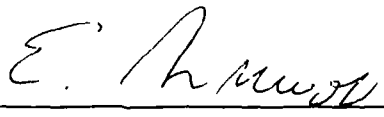
- (i) to grant leave to the Prosecution to add the statement of the Witness to the Prosecution's List of Evidence;
- (ii) to apply for redactions where necessary; and
- (iii) REDACTED.

REDACTED

6. The Prosecution has included the Investigator's Note on REDACTED in its List of Evidence. The Investigator's Note was drafted on REDACTED. In addition, REDACTED, the Prosecution has taken a comprehensive statement from REDACTED. The statement was registered with the Office of the Prosecutor's Information and Evidence Unit on REDACTED, upon return from mission of the investigators who took the statement. On 28 August 2006, the Prosecution has applied for authorization of redactions in both the Investigator's Note and in the

statement,<sup>3</sup> pursuant to Rule 81(2) and Rule 81(4), with the aim to disclose to the Defence both the Investigator's Note and the statement.

7. The Prosecution requests the Pre-Trial Chamber to grant leave to the Prosecution to add the statement of REDACTED to the Prosecution's List of Evidence.

  
\_\_\_\_\_  
Luis Moreno-Ocampo  
Prosecutor

Dated this 12<sup>th</sup> day of September 2006  
At The Hague, The Netherlands

---

<sup>3</sup> Since only the unsigned statement was available at the time (the signed statement could not be scanned at the location it was taken), the Prosecution submitted the unsigned statement. The unsigned statement and the signed statement are identical.