

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-01/04-01/06  
Date: 27 December 2006

**PRE-TRIAL CHAMBER I**

**Before: Judge Claude Jorda, Single Judge**

**Registrar: Mr Bruno Cathala**

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

**Public Document with Confidential Annex**

**Submission of the Disclosure Note following the Disclosure to the Defence of  
Potentially Exculpatory Evidence pursuant to Article 67(2) of the Rome Statute  
on 21 December 2006**

**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**

Mr Jean Flamme  
Ms Véronique Pandanzyla

**Office of Public Counsel  
for the Defence**

Ms Melinda Taylor

1. In compliance with the Decisions of the then Single Judge of the Pre-Trial Chamber of 15 May 2006<sup>1</sup> and 24 May 2006,<sup>2</sup> and following the disclosure of potentially exculpatory evidence to the Defence on 21 December 2006, the Prosecution herewith files the "Disclosure Note".<sup>3</sup>
2. The Disclosure Note contains the "List of Disclosed Materials" that fall within the scope of Article 67(2) of the Rome Statute and which were disclosed on 21 December 2006.<sup>4</sup> The Disclosure Note is signed by both Parties.




**Luis Moreno-Ocampo**  
**Prosecutor**

Dated this 27<sup>th</sup> day of December 2006  
At The Hague, The Netherlands

<sup>1</sup> Decision on the Final System of Disclosure and the Establishment of a Timeline, 15 May 2006.

<sup>2</sup> Decision on the Postponement of the Confirmation Hearing and the Adjustment of the Timetable Set in the Decision on the Final System of Disclosure, 24 May 2006. The Prosecution notes that the disclosure framework created by the 15 May 2006 and 24 May 2006 Decisions was put in place for the purposes of the Confirmation Hearing. Given the ongoing nature of the Prosecution's disclosure obligations pursuant to Article 67(2) of the Rome Statute, the Prosecution continues to apply the framework created by the two Decisions provisionally.

<sup>3</sup> Attached hereto as Confidential Annex.

<sup>4</sup> The Prosecution refers to its oral submissions at the occasion of the status conference of 14 July 2006. See (English) transcript, at pages 46 and 47.