

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 26 January 2007

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 Rule 77 Pre-Inspection Note following the Provision of
Materials falling under Rule 77 of the Rules of Procedure and Evidence to the
Defence on 25 January 2007**

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 2006¹ and 24 May 2006², and the then Single Judge's oral Decision of 23 June 2006³, the Prosecution herewith submits the "Pre-Inspection Note"⁴ in respect of the provision of materials to the Defence that fall under Rule 77 on 25 January 2007.
2. The Prosecution provided ten items that fall within the scope of Rule 77 as detailed in the annexed "Pre-Inspection Note".⁵ The Prosecution provided the Defence with a CD containing the electronic versions of the relevant materials.
3. The "Pre-Inspection Note" contains two documents that were previously subject to Article 54(3)(e) restriction.


 **Luis Moreno-Ocampo**
Prosecutor

Dated this 26th day of January 2007
 At The Hague, The Netherlands

¹ Decision on the Final System of Disclosure and the Establishment of a Timetable, 15 May 2006.

² 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.

³ See Transcript of 23 June 2006 Status Conference (English), pp. 49-50. The Prosecution notes that the disclosure framework created by the 15 May 2006, 24 May 2006 and 23 June 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 Rule 77, the Prosecution continues to apply the framework created by the three Decisions provisionally.

⁴ Attached hereto as Confidential Annex.

⁵ The Prosecution refers to its oral submissions at the occasion of the status conference of 14 July 2006. See (English) transcript, at page 46.