

**Public Annex to “Decision on the admission of material from
the ‘bar table’”**

**(The Chamber’s Decision on the individual documents annexed to
the prosecution’s application)**

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
1	Summary of Annexes	N/A	N/A	N/A	N/A
2	(ERN DRC-OTP-0014-0183) This document is entitled “Reunion de L’Executif de L’UPC/RP”, and is dated 11 June 2003. It contains a list of names, functions and signatures of those present at a meeting of the UPC.	There is a UPC handwritten header and there are signatures of those listed, including that of Mr. F. Kisembo.	The suggested link between the UPC and the FPLC. The document relates to a meeting of the executive, a political meeting in which Mr F. Kisembo, a suggested member of the military, was present.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, ¹ it later submitted that it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings. ²	The admissibility criteria are satisfied with regard to this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
3	(ERN DRC-OTP-0014-0187) This is a UPC letter dated 23 June 2003, from	There is a UPC header (of the Cabinet of the President); the letter is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo’s authority within the UPC/FPLC and his position as a representative with third parties.	The authenticity of this document is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.

¹ Réponse de la Défense à la “Prosecution’s Application for Admission of Documents from the Bar Table Pursuant to Article 64(9)”, 11 March 2009, ICC-01/04-01/06-1771, paragraph 7. Similar submissions in relation to the following annexes are contained in the same filing.

² Réponse de la Défense aux observations formulées par le Procureur lors de l’audience du 7 mai 2009 relatives aux 85 documents, 11 May 2009 (notified on 14 May 2009), ICC-01/04-01/06-1872, paragraph 10. Similar submissions in relation to the following annexes are contained in the same filing.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	Thomas Lubanga Dyilo to the President of Uganda, concerning a political misunderstanding between the UPC/RP and the Ugandan government.				
4	(ERN DRC-OTP-0014-0254) This is a UPC letter dated 5 June 2003, from Mr. F. Kisembo to the FPLC brigade commanders, regarding the demobilisation of individuals under 18 years in the FPLC.	There is a UPC header (of the Cabinet of the Chief of State-Major General); the document is signed by Mr. F. Kisembo.	Thomas Lubanga Dyilo's knowledge of the use of child soldiers and his authority within the UPC/FPLC. The decree referred to in the document, signed by Mr. F. Kisembo, has been tendered by the prosecution as an exhibit, with the number EVD-OTP-00052 (DRC-OTP-0014-0254).	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied with regard to this document, in that it may assist in demonstrating Thomas Lubanga Dyilo's knowledge of the use of child soldiers and his authority within the UPC/FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
5	(ERN DRC-OTP-0014-0270) This is a UPC letter dated 11 August 2003 from the national Defence Secretary to staff of EMG/FPLC regarding reorganisation of	There is a UPC header (of the Cabinet of the President) and a UPC stamp.	The link between the UPC and the FPLC. Witness 17 has given evidence in relation to the posts of G1, G3, G4 and G5. It is said that other witnesses will describe the structure of the UPC military.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient	Despite the absence of a relevant signature, this document satisfies the admissibility criteria, to the extent that it tends to demonstrate the link between the UPC and the FPLC, albeit at a point of time outside of the indictment period.

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	troops in several towns in Ituri.			guarantee of authenticity and reliability to be admitted into the proceedings.	It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be, <i>prima facie</i> , of assistance in this trial.
6	(ERN DRC-OTP-0014-0272) This is a handwritten FPLC letter dated 1 November 2003 from Mr. B. Ntaganda to the President of FEC in Ituri, regarding the payment of a bill.	There is a handwritten FPLC header, and the document is signed by Mr. B. Ntaganda.	The link between the UPC and the FPLC. Upon reflection, the prosecution seeks to withdraw this document.	The defence contests the admissibility of this document, which, it submits, only concerns events after the period of the charges and it generally has no connection with the case against Thomas Lubanga Dyilo.	This document has been withdrawn by the prosecution.
7	(ERN DRC-OTP-0016-0041) This is a UPC letter dated 1 November 2003 from Mr. F. Kisembo to the President of the UPC,	There is a UPC header (of the Cabinet of the Chief of State-Major General); the document is signed by Mr. F. Kisembo.	The structure of the FPLC. Although the date of the document is outside the indictment period, the prosecution submits that it demonstrates the continuation of	The defence submits that it is in a position to contest this document, stating that it only concerns events after the period of the charges	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the FPLC, albeit at a point of time outside of the indictment period. It concerns issues and

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	regarding “délimitation des axes de commandement”.		a policy that was in existence during the indictment period.	and has no connection to the case against Thomas Lubanga Dyilo.	events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial.
8	(ERN DRC-OTP-0016-0043) This is a UPC letter dated 1 November 2003, from Mr. F. Kisembo to the President of the UPC, with the subject heading “réorganisation”.	There is a UPC header (of the Cabinet of the Chief of State-Major General), and a UPC stamp. The document is signed by Mr. F. Kisembo.	The link between the UPC and FPLC. Although the date of the document is outside the indictment period, the prosecution submits that it demonstrates the continuation of a policy that was in existence during the indictment period.	The defence contests the admissibility of this document, which, it submits only concerns events after the period of the charges and has no connection to the case against Thomas Lubanga Dyilo.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the FPLC, albeit at a point of time outside of the indictment period. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be, prima facie, of potential assistance in this trial.
9	(ERN DRC-OTP-0016-0131)	There is a typed FPLC header, and also a stamp. It is signed by Mr. B.	Thomas Lubanga Dyilo’s authority within the UPC/FPLC.	Whilst the defence initially sought to reserve the right to	The admissibility criteria are satisfied in respect of this document, to the extent that it
					Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.

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10	<p>This is an FPLC declaration, dated 6 December 2003, from Mr. B. Ntaganda detailing the names of leaders and their positions.</p>	<p>Ntaganda, the Chef D'Etat and Mr. J. M. Linganga Dhena.</p>	<p>The inclusion of Thomas Lubanga Dyilo as the President of "notre armée FPLC", and the signature of Mr. B. Ntaganda, demonstrate the link between the military and the political wings of the UPC and the fact that Thomas Lubanga Dyilo was in charge of the military.</p> <p>Although the date of the document is outside the indictment period, the prosecution submits that it demonstrates the continuation of a policy that had been in existence during the indictment period.</p>	<p>challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>tends to demonstrate the authority of Thomas Lubanga Dyilo within the FPLC, albeit at a point of time outside of the indictment period. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial.</p> <p>Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.</p>
	<p>(ERN DRC-OTP-0016-0133)</p> <p>This is a UPC document, dated 6 December 2003, containing a declaration of the FPLC and the UPC/R/C, referring to Mr. Thomas Lubanga as Supreme Commander of the FPLC.</p>	<p>"UPC/RP" is typed; there is a FPLC stamp, and the document is signed by Mr. B. Ntaganda and Mr. J. Linganga.</p>	<p>Thomas Lubanga Dyilo's authority within the UPC/FPLC.</p>	<p>Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and</p>	<p>The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate, <i>prima facie</i>, Thomas Lubanga Dyilo's authority within the UPC/FPLC. However, a final decision on its weight is, at least in part, dependent on an assessment of the testimony of witness 55.</p>

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				reliability to be admitted into the proceedings.	It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial. Therefore, matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
11	(ERN DRC-OTP-0017-0023) This is a handwritten FPLC security services report, dated 17 February 2003.	There is a handwritten header (FPLC security service). The document is signed although the author's identity is unclear.	The FPLC structure. The prosecution submits that Witness 55, who was part of the relevant department of the UPC, will be in a position to give corroborative testimony.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the FPLC. However, a final decision on its weight is, at least in part, dependent on an assessment of the testimony of Witness 55. Therefore, matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
12	(ERN DRC-OTP-0017-0025)	There is a handwritten header (FPLC), and the	The FPLC structure and communication. The link	Whilst the defence initially sought to	The admissibility criteria are satisfied in respect of this

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	<p>This is a handwritten FPLC situation report, dated 10 October 2002; the author is Mr. J. Ahebwa.</p>	<p>document is signed by Mr. J. Ahebwa.</p>	<p>between the UPC and the FPLC (it is addressed to the UPC National Secretary). The prosecution submits that Witness 55 will be able to comment on the form of these documents and whether they have been routinely prepared. The prosecution also notes that the date of the document is outside the indictment period.</p>	<p>reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>document, to the extent that it tends to demonstrate the structure of the FPLC. However, a final decision on its weight is, at least in part, dependent on an assessment of the testimony of Witness 55. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial. Therefore, matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.</p>
13	<p>(ERN DRC-OTP-0017-0026) This is a UPC letter dated 29 November 2002, from Thomas Lubanga Dyilo to the Chief of the Bedu/Ezekere. It reveals the political direction of the UPC/RP regarding the disaster of Bedu/Ezekere, which was caused by the</p>	<p>There is an official UPC header, (of the Cabinet of the President), and a UPC stamp; the document is signed by Thomas Lubanga Dyilo.</p>	<p>The link between the UPC and the FPLC.</p>	<p>Its authenticity is accepted, and no admissibility issues are raised.</p>	<p>This document satisfies each element of the test for admissibility.</p>

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	Hema.				
14	(ERN DRC-OTP-0017-0288) This is a UPC letter dated 18 May 2003 from Thomas Lubanga Dyilo to the UN Secretary General, describing the position of the UPC/RP since the last meeting in Dar Es Saalam.	There is an official UPC header and stamp (of the Cabinet of the President); the document is signed by Thomas Lubanga.	Thomas Lubanga Dyilo acting as the UPC's representative with third parties; the link between the UPC and the FPPLC (reference to the "UPC's soldiers").	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
15	(ERN DRC-OTP-0018-0113) This document is dated 2 March 2003; it is entitled "Agreement between the UPC/RP and the UPDF"; it contains the conclusions reached in the meeting between the UPC/RP, UPDF and MONUC.	It bears the signatures of the representatives of the UPDF, UPC/RP (FPPLC) (Comdt. Kismeho Bahemuka), and MONUC.	The link between the UPC and the FPPLC (it is signed on behalf of the UPC and refers to the movement as the "UPC/RC (FPPLC)". The prosecution has emphasised the significance of the signature of Mr. F. Kismeho.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the FPPLC and the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
16	(ERN DRC-OTP-0018-0158)	There is an official UPC header (of the Cabinet of	Thomas Lubanga Dyilo's authority within the UPC/FPPLC.	Its authenticity is accepted, and no	This document satisfies each element of the test for

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	This is a UPC letter, dated 12 July 2003 from Thomas Lubanga Dyilo to General Thonier, concerning the operation carried out by the International Force against the UPC/RP military camp in Miala.	the President); the document is signed by Thomas Lubanga Dyilo.		admissibility issues are raised.	admissibility.
17	(ERN DRC-OTP-0018-0159) This is a UPC letter dated 12 July 2003, addressed to General Thonier, signed on behalf of Thomas Lubanga Dyilo, requesting restitution of weapons seized on 11 July 2003.	The document bears an official UPC header (of the Cabinet of the President) and a UPC stamp; the document is also signed by the representative of the National Secretary for Military Matters.	Thomas Lubanga Dyilo's authority within the UPC/FPLC; the link between the UPC/FPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	At the Status Conference on 7 May 2009, ³ the prosecution sought leave to revert to the Chamber with evidence of the relationship between Thomas Lubanga Dyilo and the individual who signed on his behalf. The prosecution responded on 8 May 2009, ⁴ submitting that it had no further information to present to the Chamber. The admissibility criteria are satisfied with regard to this document, to the extent that it tends to demonstrate Thomas

³ Transcript of hearing on 7 May 2009, ICC-01/04-01/06-T-170-Conf-Eng, page 8 lines 13 – 25.

⁴ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

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18	<p>(ERN DRC-OTP-0024-0773)</p> <p>This is a letter from Mr. R. Lonema to the President of the UPC, dated 4 October 2002, responding to a request for information; the request for information is attached in a separate annex.</p> <p>The prosecution has described this document as a "Document transmitting the Activities Report of National Secretary for Culture, Arts and Tourism</p>	<p>There is a typed UPC header and a UPC stamp; the document is signed by Mr. R. Lonema.</p> <p>The prosecution has suggested the author is Mr. A. Bebetu. This may be so for the annex but, the letter is signed by Mr. R. Lonema.</p>	<p>Thomas Lubanga Dyilo's role within the UPC/FPLC.</p>	<p>Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.</p> <p>At the Status Conference on 7 May 2009,⁵ the prosecution sought leave to revert to the Chamber with evidence of the relationship between Thomas Lubanga Dyilo and the individual who signed on his behalf. The prosecution responded on 8 May 2009,⁶ explaining that information relating to the author and title of the document had been incorrect in its earlier submission. It confirmed that the author of the document is Mr. R. Lonema and that the annex mentioned in the document is not in its possession.⁷</p>

⁵ Transcript of hearing on 7 May 2009, ICC-01/04-01/06-T-170-Conf-Eng, page 9 lines 2 – 11.

⁶ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

⁷ *Ibid.*

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	covering the period 3 September to 10 November 2002". This description appears to correspond with the contents of the annex.				The admissibility criteria are satisfied with regard to this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo's role within the UPC/FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
19	(ERN DRC-OTP-0024-0788) This is a UPC letter dated 15 May 2003 from Thomas Lubanga Dyilo to Mr. J. Tinanzabo, regarding a mission in Dar Es Salaam.	A UPC header (of the Cabinet of the President) and a UPC stamp; the signature of Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC/FPLC and control over the movement.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
20	(ERN DRC-OTP-0029-0274) This is a UPC letter dated 21 October 2002 from Thomas Lubanga Dyilo to FPLC Chief of Staff regarding recruitment of child soldiers.	A UPC header (of the Cabinet of the President) and UPC stamp; the document also bears the signature of Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's knowledge of the use of child soldiers in the UPC/FPLC ranks.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.

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21	<p>(ERN DRC-OTP-0029-0275)</p> <p>This is a UPC letter dated 27 January 2003 from Thomas Lubanga Dyilo to the Chief of the FPLC requesting an immediate report on the enlistment of children less than 18yrs old into the FPLC army, following his letter banning their enrolment into the FPLC army.</p>	<p>A UPC header and stamp; the document also bears the signature of Thomas Lubanga Dyilo.</p>	<p>Thomas Lubanga Dyilo's knowledge of the use of child soldiers in the UPC/FPLC ranks.</p>	<p>Its authenticity is accepted, and no admissibility issues are raised.</p>	<p>This document satisfies each element of the test for admissibility.</p>
22	<p>(ERN DRC-OTP-0029-0294)</p> <p>This is a UPC letter, dated 22 July 2003 from Thomas Lubanga Dyilo to the Belgian government, requesting the Belgian government to act as an intermediary between the UPC/RP, the RDC transitional government and the Multinational</p>	<p>There is a UPC header (of the Cabinet of the President) and a UPC stamp; the document is also signed by Thomas Lubanga Dyilo.</p>	<p>Thomas Lubanga Dyilo's authority within the UPC/FPLC and his position as the UPC representative with third parties.</p>	<p>Its authenticity is accepted, and no admissibility issues are raised.</p>	<p>This document satisfies each element of the test for admissibility.</p>

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	Force.				
23	(ERN DRC-OTP-0029-0306) This is a UPC letter, dated 30 March 2003, from Thomas Lubanga Dyilo to the Special Representative of the UN Secretary General (Mr. Amos Nangana Ngonji) concerning the ceasefire between the FPLC, UPC and UPDF.	There is a UPC header (of the Cabinet of the President), a UPC stamp and the document is signed by Thomas Lubanga Dyilo.	The link between the UPC and the FPLC (it refers to the FPLC as the UPC army).	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
24	(ERN DRC-OTP-0037-0264) This is a UPC official declaration outlining the UPC objectives, dated 14 September 2002.	There is a UPC header (of the Cabinet of the President) and the document bears the signature of Thomas Lubanga Dyilo.	The UPC's objectives.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
25	(ERN DRC-OTP-0037-0266) This is a UPC official declaration, dated 14	There is a UPC header (of the Cabinet of the President) and the document bears the signature of Thomas	The UPC's objectives.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.

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26	(ERN DRC-OTP-0041-00098) This is a UPC letter dated 20 December 2002, from the Director of the Cabinet to Mr. M. Kimanda, regarding his appointment.	There is a UPC header (of the Cabinet of the President) and a UPC stamp; the document also bears the signature of the Director of the Cabinet (Mr. D. M. Gombi).	The UPC structure. The prosecution submits that this document is a notification of appointment for someone who was to be employed in the UPC, which was relayed to the President of the UPC, (at that time Thomas Lubanga Dyilo). It submits that the document demonstrates a system of appointments and promotions within the UPC and therefore an efficient structure and organisation.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate (contemporaneously) Thomas Lubanga Dyilo's involvement in recruiting child soldiers. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
27	(ERN DRC-OTP-0055-0472) This is an RCDD/KIS/ML letter dated 6 June 2002 from Mr. J. Lompondo (Commander of Operations) to the President of the RCDD/KIS/ML, indicating that Thomas Lubanga	There is an RCDD/KIS/ML header and stamp, and the document is signed by Mr. J. Lompondo.	Thomas Lubanga Dyilo's involvement in recruiting child soldiers. The prosecution submits that the author, at the time of the production of the document, was the governor of Ituri and was in control of Bunia, and that evidence indicating that Mr. J. Lopondo was exiled when the	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate (contemporaneously) Thomas Lubanga Dyilo's involvement in recruiting child soldiers. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.

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	Dyilo was creating a Gegere militia in Mandro, recruiting child soldiers.		UPC came to Bunia in August 2002 has already been introduced. The prosecution further submits that the content of the document relating to the existence of child soldiers, or the attempt to recruit child soldiers by Mr Lubanga, is corroborated by similar evidence that has been elicited in this trial, namely, that there were child soldiers within the UPC, or within the movement that became the UPC, at that time.	admitted into the proceedings.	
28	(ERN DRC-OTP-0055-0474) This is an RCDD/KIS/ML letter dated 14 May 2002 from Mr. J. Lompondo (Commander of Operations) to Mr. P. Kamaragi, regarding ethnic conflicts and specific attacks in Irunu and Djugu.	There is an RCDD/KIS/ML header and stamp, and the document is signed by Mr. J. Lompondo.	Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate (contemporaneously) Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC; this forms part of the relevant background to the case. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.

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29	(ERN DRC-OTP-0055-0476) This is an RCD/KIS/ML letter dated 22 May 2002 from Mr. J. Lompondo (Commander of Operations) to the Commandant of the UPDF in Bunia concerning the return of soldiers to the residence of Thomas Lubanga Dyilo.	There is an RCD/KIS/ML header and stamp, and the document is signed by Mr. J. Lompondo.	Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC. It connects Thomas Lubanga Dyilo to the mutineers' movement and identifies him as the RCD-ML Minister of Defence.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate (contemporaneously) Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC: this forms part of the relevant background to the case. It connects him to the mutineers' movement and identifies him as the RCD-ML Minister of Defence.
30	(ERN DRC-OTP-0055-0484) This is a report on the renewed outbreak of hostilities in Bunia and the intentions of the President of the RCD-KIS/ML, signed by Mr. J. Lompondo (Commander of Operations), dated 1 June	There is an RCD/KIS/ML header and stamp, and the document is signed by Mr. J. Lompondo.	Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC. It links Thomas Lubanga Dyilo to "Hema militias" which, in light of other documents by the same author, could be interpreted as the mutineers' movement.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate (contemporaneously) Thomas Lubanga Dyilo's involvement in armed groups prior to the UPC: this forms part of the relevant background to the case. It links him to "Hema militias" which, in light of other documents by the

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	2002.			admitted into the proceedings.	same author, could be interpreted as the mutineers' movement. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
31	(ERN DRC-OTP-0089-0039) This is a UPC letter dated 4 February 2003, from Mr. C. Ondia (National Secretary of Finances) to the Chief of the financial branch of ARU, concerning "Frais de fonctionnement services spécialisés/ARU".	There is a UPC header and stamp; the document is signed by Mr. C. Ondia.	The link between the UPC and the FPLC. The prosecution submits the fact that the document was marked to be copied to the Chief of Staff of the UPC demonstrates the alliance between the UPC and the FPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
32	(ERN DRC-OTP-0089-0040) This is a UPC letter dated 4 February 2003, from Mr. C. Ondia to the Chief of the financial branch of the ARU, permitting the use of	There is a UPC header and stamp; the document is signed by Mr. C. Ondia.	The link between the UPC and the FPLC (both President of the UPC and the Chef d'Etat Major are copied).	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC. Matters of weight, authenticity and reliability can be the subject

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	5000 US dollars quarterly for the rehabilitation of the military pavilion.			guarantee of authenticity and reliability to be admitted into the proceedings.	of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
33	(ERN DRC-OTP-0089-0041) This is a letter of complaint, dated 15 February 2003, to the President of the UPC/RP in Bunia by Mr. R. Pimbu against suspension from his functions.	There is a typed header (DRC Secretary General, Department of Mobilisation and Propaganda of the UPC/RP), and the document is signed by Mr. Robert Pimbu.	The structure of the UPC.	The defence contests the admissibility of this document, which, it submits, only concerns events unconnected to the charges.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the UPC. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
34	(ERN DRC-OTP-0089-0060) This is a UPC letter from Mr. J. Uwek-Nyinga Djalum (National Secretary of the Interior and	There is a UPC header and stamp, and the document is signed by Mr. J. Uwek-Nyinga Djalum.	Thomas Lubanga Dyilo's authority within the UPC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo's authority within the UPC.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	Customary Affairs) to the President of the UPC/RP in Bunia, dated 14 January 2003, concerning changes within the UPC/RP executive.			present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
35	(ERN DRC-OTP-0089-0069) This is a UPC letter dated 30 November 2002 from Thomas Lubanga Dyilo to the national secretaries of the UPC/RP, asserting that the executive of the movement should have access to all important correspondence concerning the movement.	There is a UPC header (of the Cabinet of the President) and a UPC stamp, and the document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's role within the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
36	(ERN DRC-OTP-0089-0073) This is a UPC political declaration, dated 3 December 2003, stating that Thomas Lubanga Dyilo remains President of	The document is signed by Mr. J. T. Zeremani, Secretary General of the UPC.	Thomas Lubanga Dyilo's authority within the UPC/FPLC. The prosecution submits that the context of this document is the departure of Mr. F. Kisembo at the end of 2003 and his attempts to become president of the UPC,	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo's authority within the UPC/FPLC, albeit at a point of time outside of the indictment period. It concerns issues and

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	the UPC.		in relation to which evidence has already been introduced in this trial. The prosecution further submits that whilst the date of this document is outside the indictment period, it demonstrates a continuation of circumstances that were in existence during the indictment period.	guarantee of authenticity and reliability to be admitted into the proceedings.	events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
37	(ERN DRC-OTP-0089-0090) This is a UPC document dated 9 June 2003, transmitting a presidential decree to the national secretaries and the UPC secretary general.	There is a UPC header (of the Cabinet of the President) and a UPC stamp: the document is signed by Thomas Lubanga Dyilo.	The structure of the UPC and communication to lower levels.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
38	(ERN DRC-OTP-0089-0093) This is a presidential decree dated 2 June 2003 appointing Mr. J.	There is a UPC header (of the Cabinet of the President) and a UPC stamp, and the document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	Tinanzabo as the UPC Secretary General and spokesperson, as well as 7 other appointments.				
39	(ERN DRC-OTP-0089-0146) This is a UPC letter dated 17 December 2002 from the President and the Secretary of the “Comite de paix centre de liaison Lopa” to the General Secretary and Coordinator of the “Comite de paix”, concerning instability in the areas of Loga, Bili, Theru and Mbau.	There is a UPC/RP typed header and an RDC stamp and the document is signed by the President (Mr. G. Ndjabu) and the Secretary (Mr. N. Djombu).	Thomas Lubanga Dyilo’s authority within the UPC. The prosecution highlights that the document is marked to be copied to his Excellency, the President of the UPC (in charge of defence), demonstrating Thomas Lubanga Dyilo’s authority within the UPC. The prosecution notes that the date of the document is outside the indictment period, but submits that similar arguments as above apply in respect of its relevance.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo’s role within the UPC, albeit at a point of time outside of the indictment period. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
40	(ERN DRC-OTP-0098-0483) This is a UPC Statute,	There is a UPC header and stamp and the document is signed by Thomas Lubanga Dyilo and others.	Thomas Lubanga Dyilo’s role in the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
41	(ERN DRC-OTP-0091-0016) This is a UPC Presidential Decree dated 11 December 2002, appointing several persons to the position of national secretaries.	There is a UPC header and stamp. The document is signed by Thomas Lubanga Dyilo.	The prosecution has not stated the relevance to the charges.	Its authenticity is accepted, and no admissibility issues are raised.	Notwithstanding the absence of an explanation from the prosecution as to the relevance of this document to the charges (bearing in mind the stance of the defence), it tends to demonstrate Thomas Lubanga Dyilo's role within the UPC, and accordingly it satisfies each relevant element of the test for admissibility. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
42	(ERN DRC-OTP-0091-0039) This is a UPC Statute, dated 15 September 2000.	There is a UPC typed header and the document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's role in the formation of the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
43	(ERN DRC-OTP-0091-	There is a UPC header;	Thomas Lubanga Dyilo's role in	The defence contests	This document has been

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	0182) This is a UPC Statute, dated 15 September 2000.	however, the document is unsigned.	the formation of the UPC. Upon reflection, the prosecution seeks to withdraw this document.	the admissibility of this document, which, it submits, does not constitute the best available evidence since it is unsigned and signed versions of the same document are available.	withdrawn by the prosecution. [RESEARCH AND SEIZURE DOCUMENT]
44	(ERN DRC-OTP-0091-0705) This is a UPC letter dated 8 January 2003 from the National Secretary of Finance to the President of the UPC, acknowledging receipt of a letter dated 17 December,, headed “accusé de réception”.	There is a UPC typed header and a UPC stamp. The document is signed by Mr. C. Ondia (National Secretary for Finance).	Thomas Lubanga Dyilo’s authority within the UPC. The prosecution submits that the evidential value of this document is founded in its demonstration of the authority of Thomas Lubanga Dyilo rather than in its specific content.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo’s authority within the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. The Chamber notes the prosecution sought leave to revert to the Chamber on whether the letter of 17 th December 2002 is in their possession. ⁸ The prosecution

⁸ Transcript of hearing on 7 May 2009, ICC-01/04-01/06-T-170-Conf-Eng, page 14 lines 11 – 19.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
45	(ERN DRC-OTP-0091-0709) This is a UPC letter dated 24 December 2002 from a representative of the UPC/RP to the President of the UPC, confirming the position of four coordinators in Mongwalu town.	There is a UPC typed header. The document is signed by Mr. P. Matadi, Chief of the department of mobilisation and propaganda, and Commander N. Salongo, Comd Oper. South East Sector.	The link between the UPC and the FPPLC (it is written by a member of the UPC and a member of the FPPLC). The prosecution submits that the signatory at the bottom left of the document is a political representative, and the signatory at the bottom right of the document is a sector commander of the UPC/FPPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
46	(ERN DRC-OTP-0091-0712) This is a UPC letter dated	There is a UPC typed header. The document is signed by Mr. P. Matadi, Chief of the Department of	Thomas Lubanga Dyilo's role in the UPC.	Whilst the defence initially sought to reserve the right to challenge the	This document is identical to that contained in annex 45 and, as such, is to be withdrawn.

⁹ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	24 December 2002 from a representative of the UPC/RP to the President of the UPC, confirming the position of four coordinators in Mongwalu town.	Mobilisation and Propaganda, and Commander N. Salongo, Comd Oper. South East Sector.		authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	[SEARCH AND SEIZURE DOCUMENT]
47	(ERN DRC-OTP-0091-0716) This is a UPC letter dated 8 January 2003, addressed to the President of the UPC, written and signed by 26 agents of the Djugu territory, concerning placing antennas for Radio Candip/ISP Bumia.	There is a UPC typed header and a UPC stamp. The document is signed by 26 agents of the Djugu territory.	Thomas Lubanga Dyilo's authority within the UPC. The prosecution submits that the evidential value of this document is in the fact that it was addressed to the accused, rather than its content.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo's authority within the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
48	(ERN DRC-OTP-0091-0728) This is a UPC letter dated 16 December 2002 from the National Secretary of	There is a UPC header and stamp. The document is signed by Mr. T. Lufulabantu, National Secretary of the UPC.	The link between the UPC and the FPPLC. The document refers to the theft of a motorbike by someone from the FPPLC. The prosecution	The defence contests the admissibility of this document, which, it submits, makes reference to events which have	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPPLC, and Thomas Lubanga Dyilo's

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
49	Justice to Mr. M. Mbanda, concerning a motorbike which had been seized by the FPLC.	There is a UPC typed header. The document is signed by Colonel Prince Mugabo.	The link between the UPC and the FPLC. submits that the document demonstrates that even trivial matters would be sent to the President, therefore demonstrating the overall authority of the accused.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
50	(ERN DRC-OTP-0091-0769) This is an FPLC letter [the prosecution has referred to this as a UPC letter] dated 30 November 2002 from Mr. Kisembo addressed to the Director of the UPC's Presidential Cabinet assuring him that necessary measures will be taken in respect of the military interests cited in the letter from the Director.	There is an FPLC typed header and stamp. The document is signed by Mr. Kisembo.	The link between the UPC and the FPLC. The prosecution submits that the document was signed by Mr. Kisembo, Chef d'Etat-Major Général/FPLC, and copies have been transmitted to secretaries within the UPC, thereby demonstrating the link between the military and the political wing of the UPC. The prosecution further notes that the request for provisions went "all the way up to the President".	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC and the structure of the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
51	(ERN DRC-OTP-0091-0778) This is an FPLC letter dated 21 November 2003 from Mr. Kisembo to the President of the UPC, transmitting an attachment with a list of requirements.	There is an FPLC header and stamp and the document bears the signature of Mr. Kisembo.	The FPLC structure; the link between the UPC and the FPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC and the structure of the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
					[SEARCH AND SEIZURE DOCUMENT]

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
52	(ERN DRC-OTP-0092-0436) This is a document entitled "Pacification of Ituri, Programme, Budget, Calendar", dated 26 September 2002.	There is a UPC header. The document is signed by Mr. Jean de Dieu Tinanzabo Zeremani	The UPC's objectives, structure and organisation. It gives a date to the moment the UPC took control of Bunia. The prosecution submits that the document provides contextual and background evidence to the charges, about which evidence has already been elicited in this trial.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC and the structure of the FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
53	(ERN DRC-OTP-0092-0704) This is a handwritten exam paper dated 9 December 2002 of Mr. Faislin Mwelwa for the UPC/RP entry test.	The document is possibly signed by Mr. Faislin Mwelwa.	The link between the UPC and the FPLC. The prosecution accepts that there is no evidence of the context in which this document came into existence, but submits that it was obtained from a high ranking member of the UPC as a result of the search and seizure exercise in the DRC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	This document does not satisfy the test for admissibility, since as an exam paper it has insufficient evidential reliability or significance, wherever it was found. [SEARCH AND SEIZURE DOCUMENT]

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
54	(ERN DRC-OTP-0093-0111) This is a UPC letter dated 17 July 2004 from Thomas Lubanga Dyilo to the Defence minister informing him of the transformation of the UPC/RP as of 2 July 2004.	The document bears a UPC header and it is signed by Thomas Lubanga Dyilo.	The structure of the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
55	(ERN DRC-OTP-0093-0121) This is a UPC letter dated 10 December 2002 from Thomas Lubanga Dyilo to the “Chef d’Etats Major General des FPLC” regarding the fact that illicit weapons were being spread within the population and that this might have dangerous consequences.	There is a UPC header (of the Cabinet of the President) and a UPC stamp. The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo’s authority within the UPC; the link between the UPC and the FPLC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
56	(ERN DRC-OTP-0093-0136) This is a speech by Mr. Jean de Dieu Tinanzabo, National Secretary for Pacification, at the setting up for the Committee of Truth, Peace and Reconciliation.	There is a UPC stamp and the document is signed by Mr. Jean de Dieu Tinanzabo.	The link between the UPC and the FPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	At the Status Conference on 7 May 2009, ¹⁰ the prosecution sought leave to revert to the Chamber with further information in relation to this document. The prosecution responded on 8 May 2009, ¹¹ submitting that this document goes to the structure of the UPC and not to the link between the UPC and the FPLC. The relevant admissibility criteria are satisfied with regard to this document, to the extent that it tends to demonstrate the structure of the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
57	(ERN DRC-OTP-0093-	There is a UPC header and	Thomas Lubanga Dyilo's role in	Its authenticity is	This document satisfies each

¹⁰ Transcript of hearing on 7 May 2009, ICC-01/04-01/06-T-170-Conf-Eng, page 20 lines 2 – 7.

¹¹ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	0202) This is a UPC Statute, dated 12 November 2003.	the document is signed by Thomas Lubanga Dyilo.	the UPC.	accepted, and no admissibility issues are raised.	relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
58	(ERN DRC-OTP-0093-0248) This is a UPC letter dated 13 December 2003 from Mr. D. Lambi Longa to Mr. D. Lisha, Mr. V. Ngona, Gen. Kisenbo, Col. Lobho and Col. Busha, transmitting the decree which notified the recipients of their suspension from the UPC/RP.	There is a UPC header (of the Cabinet of the President) and a UPC stamp. The document is signed by Mr. Djokaba Lambi Longa.	Thomas Lubanga Dyilo's authority within the UPC. The prosecution submits that both the header and the stamp at the bottom of the document indicate that it was for the attention of the President.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The relevant admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the authority of Thomas Lubanga Dyilo within the UPC Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. [SEARCH AND SEIZURE DOCUMENT]
59	(ERN DRC-OTP-0093-0359) This is a UPC Statute, dated 15 September 2000.	There is a typed UPC header and the document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's role in the formation of the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
60	(ERN DRC-OTP-0094-0155)	There is a UPC header and stamp, and the document is	The structure of the UPC.	Its authenticity is accepted, and no	This document satisfies each relevant element of the test for

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	This is a UPC letter dated 18 December 2004 from Thomas Lubanga Dyilo to the presidents of the political/military groups of Ituri in Bunia, regarding the absorption of the Ituri armed groups into the DRC military forces.	signed by Thomas Lubanga Dyilo.		admissibility issues are raised.	admissibility. [SEARCH AND SEIZURE DOCUMENT]
61	(ERN DRC-OTP-0094-0160) This is a UPC letter dated 24 June 2003 from Thomas Lubanga Dyilo to the president of Uganda, trying to open a new basis for cooperation with Uganda.	There is a UPC header (of the Cabinet of the President) and a UPC stamp. The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC/FPLC; it shows Thomas Lubanga Dyilo's role as a representative of the UPC with third parties.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
62	(ERN DRC-OTP-0094-0307) This is a UPC Statute dated 12 November 2003.	There is a UPC header. The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's role in the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
63	(ERN DRC-OTP-0102-	There is a UPC header (of	The prosecution submits that this	Whilst the defence	The relevant admissibility criteria

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	<p>(0071)</p> <p>This is a UPC report by Thomas Lubanga Dyilo responding to a report published in June 2003 accusing the UPC/RP of serious human rights violations in Ituri since June 1998.</p>	<p>the Cabinet of the President).</p>	<p>document demonstrates that there was a mechanism by which Thomas Lubanga Dyilo became aware of crimes committed within the area of responsibility of the UPC; that Thomas Lubanga Dyilo was the first point of call for complainants; and, in that respect, it demonstrates the control, authority and activities of the accused, as well as his ability to operate. The prosecution attaches significance to the fact that the document demonstrates Thomas Lubanga Dyilo's involvement in addressing issues relating to human rights violations.</p>	<p>initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>are satisfied in respect of this document, to the extent that it tends to demonstrate the authority of Thomas Lubanga Dyilo within the UPC and his involvement in addressing human rights issues. The issue of the absence of his signature is a matter of evidential weight, as opposed to admissibility.</p> <p>Therefore, matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.</p> <p>[SEARCH AND SEIZURE DOCUMENT]</p>
64	<p>(ERN DRC-OTP-0106-0187)</p> <p>This is an agreement, dated 15 November 2002, entitled "The Kampala understanding between the CD-ML and the UPC" in which both movements agree to cease hostilities.</p>	<p>This document is signed by Thomas Lubanga Dyilo (UPC), Mr. M. Nyamwisi (RCD/ML) and Mr. J. Wapakabulo (Uganda).</p>	<p>The link between the UPC and the FPLC.</p>	<p>Its authenticity is accepted, and no admissibility issues are raised.</p>	<p>This document satisfies each relevant element of the test for admissibility.</p> <p>[SEARCH AND SEIZURE DOCUMENT]</p>

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
65	(ERN DRC-OTP-0107-0324) This is a document entitled “Acte d’Engagement pour la Relance du Processus de Pacification de l’Ituri”, dated 16 May 2003.	The document is signed by Thomas Lubanga Dyilo (UPC), Mr. J. K. Bukande (FAPC), Mr. T. Unencan Ukeha (FPDC), Mr. N. Ngabu (FND), Mr. K. Bitamara and Mr. C. Bahunde (PUSIC), Mr. D. Maruka, Mr. E. Leku and Mr. P. Yaweka (L’administration speciale interimaire).	Thomas Lubanga Dyilo’s authority within the UPC/FPLC, and his involvement in military issues.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each relevant element of the test for admissibility. [SEARCH AND SEIZURE DOCUMENT]
66	(ERN DRC-OTP-0109-0100) This is a UPC letter dated 24 October 2002 from Mr. Saba Musanganya, addressed to Mr. Nembe Ngoni, informing him that he will be the General Administrator of the Security during her absence.	There is a UPC header and a UPC stamp. The document is signed by Mr. Saba Musanganya.	The structure of the UPC. It establishes Mr. Rafiki’s official position; the UPC communication; and links between the UPC and the FPLC. The document has been copied to the President of the UPC and the Chef d’Etat-Major Général/FPLC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC and the structure of the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. In this regard, the Chamber observes the suggested evidential value of the document in respect of the authority and involvement of Mr. Rafiki will be dependent

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
67	(ERN DRC-OTP-0109-0101) This is a UPC declaration dated 11 December 2002, signed by Mr. Saba Musanganya concerning the appointment of members of the UPC/RP's Administrative Office.	There is a UPC header (of the President) and a UPC stamp. The document is signed by Mr. Saba Musanganya.	The structure of the UPC, it establishes Mr. Rafiki's official position.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be	on an assessment of any evidence purportedly establishing that the signature of Mr. Saba Musanganya is an alternate name for Mr. Rafiki. On the 8 May 2009, ¹² the prosecution indicated that to date evidence has been submitted listing Mr. Rafiki's name as "RAFIKI SABA". ¹³ It was further submitted that witnesses 55, 14 and 16 may provide evidence on this issue. ¹⁴
					The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. In this regard, the Chamber

¹² Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

¹³ The prosecution refers to DRC-OTP-0147 0320, tendered as EVD-OTP-00250, a UPC statute listing Rafiki as RAFIKI SABA and also to Annex 42 to application ICC-01/04-01/06-1730, document DRC-OTP-0091-0047, which contains the handwritten name and signature of RAFIKI SABA at page DRC-OTP-0091-0047.

¹⁴ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
68	(ERN DRC-OTP-0109-0122) This is an FPLC letter [the prosecution refers to this as a UPC letter] dated December 2002 from Mr. I. R. Bobale to the President of the UPC, seeking to reopen the training centre for intelligence and military security.	There is an FPLC typed header.	The link between the UPC and the FPLC. The prosecution submits that this is a letter from the FPLC to the UPC and, as such, demonstrates the link between the two bodies.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the link between the UPC and the FPLC, notwithstanding the absence of a signature. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
69	(ERN DRC-OTP-0109-0136) This is the monthly report of Bureau 5 (FPLC), dated 6 November 2002, from	There is an FPLC typed header. The document is signed by Mr. E. Mbabazi.	The structure of the FPLC. The prosecution submits that the document is signed by a person who was within the main staff of the UPC/FPLC (testimony to this	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the FPLC and the level of knowledge of the accused.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	Mr. E. Mbabazi to the Chief of the EMG/FPLC concerning the state of mind of the troops, staff and the population.		effect has been given by Witness 17). The prosecution submits that this comprehensive reporting of matters within the FPLC demonstrates an efficient military hierarchy/structure, which is also relevant to the knowledge of the accused.	submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
70	(ERN DRC-OTP-0113-0014) This is an AGS document, dated 13 February 2003, ordering the eviction of the Reverend Marc Denecker from territory under the UPC/RP control and declaring him persona non grata.	There is a UPC header (of the President) and a UPC stamp. The document is signed by Mr. Saba Amable, Officer of the Judicial Police.	The structure of the UPC; it establishes Mr. Rafiki's official position in the movement.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. In this regard, the Chamber observes the suggested evidential value of the document in respect of Mr. Rafiki will be dependent on an assessment of any evidence purportedly establishing that the signature of Mr. Saba Musanganya is an alternate name for Mr. Rafiki.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
71	(ERN DRC-OTP-0113-0052) This is the UPC's Act Constitutif, dated 15 September 2000.	There is a UPC header and stamp. The document is signed by Thomas Lubanga Dyilo and others.	Thomas Lubanga Dyilo's role in the formation of the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
72	(ERN DRC-OTP-0113-0055) This is a UPC presidential decree making several appointments, dated 3 September 2002.	There is a UPC header (of the Cabinet of the President) and a UPC stamp. The document is signed by Thomas Lubanga.	Thomas Lubanga's authority within the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
73	(ERN DRC-OTP-0013-0070) This is a UPC letter dated 12 February 2003 from Mr. A. Biri to the commander of the FPLC regarding the nomination of 13 training officers for the DDRRR programme.	There is a UPC header and stamp. The document is signed by Mr. A. Biri.	Thomas Lubanga Dyilo's knowledge of the use of child soldiers in the UPC/FPLC ranks. The prosecution submits that this document was generated by the political department of the UPC, headed by the accused. The third, fourth and fifth lines of the first paragraph contain information about child soldiers in the UPC between the ages of 10 to 15/16. The prosecution therefore	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo's knowledge of the use of child soldiers in the UPC/FPLC ranks. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. The prosecution is to submit a

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
74	(ERN DRC-OTP-0013-0127) This is a UPC letter dated 6 January 2004 from Mr. S. U. Wele to a group of mine workers requesting a pacific settlement of the dispute that occurred at the gold mining site of Pathy Doku.	There is a UPC header and stamp. The document is signed by A. Biri.	The link between the UPC and the FPLC. Upon reflection, the prosecution seeks to withdraw this document.	The defence contests the admissibility of this document, which, it asserts, makes reference to events which have no connection to the charges.	This document has been withdrawn by the prosecution.
75	(ERN DRC-OTP-0133-0133) This is a political declaration of the Front Pour La Reconciliation et La Paix (FRP), dated 11 August 2002.	The document is signed by Thomas Lubanga Dyilo and others.	Thomas Lubanga Dyilo's knowledge of the use of child soldiers in the UPC/FPLC ranks.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
76	(ERN DRC-OTP-0113-0161)	There is a UPC header (of the Cabinet of the	The link between the UPC and the FPLC (the FPLC	Whilst the defence initially sought to	The admissibility criteria are satisfied in respect of this

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	This is a memorandum addressed to General Mountaga Diallo of MONUC stating that the UPC is a political-military movement created to fight the values implemented by the RCD/ML. It is dated 8 January 2003. Its author is Thomas Lubanga Dyilo.	President).	implementing the UPC's objectives).	reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	document, to the extent that it tends to demonstrate the link between the UPC and the FPLC (with the FPLC implementing the UPC's objectives). Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.
77	(ERN DRC-OTP-0132-0237) This is a UPC declaration, dated 8 December 2003, ordering the suspension of several political and military officials.	There is a UPC header and stamp. The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC/FPLC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
78	(ERN DRC-OTP-0136-0173) This is an AGS document ordering the eviction of the Reverend Lean Mottoul from the territory under the control of the UPC/CP and	There is a UPC header, of the Cabinet of the President, and a UPC stamp. The document is signed by Mr. Saba Amiable, Officer of the Judicial Police.	The structure of the UPC, it establishes Mr. Rafiki's official position in the movement.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the UPC. Matters of weight, authenticity and reliability can be the subject

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	<p>declaring him persona non grata. It is dated 13 February 2003.</p>			<p>guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>of later submissions, if relevant. In this regard, the Chamber observes the suggested evidential value of the document in respect of the authority and involvement of Mr. Rafiki will be dependent on an assessment of any evidence purportedly establishing that the signature of Mr. Saba Musanganya is an alternate name for Mr. Rafiki.</p>
79	<p>(ERN DRC-OTP-0136-0181) This is a letter signed by 46 individuals on behalf of “Libaru”, dated 3 October 2002, addressed to the President of the UPC regarding pillaging and destruction of houses.</p>	<p>The document is signed by the 46 individuals.</p>	<p>Thomas Lubanga Dyilo’s role within the UPC. The prosecution submits that the document, produced and signed by members of a community within Ituri, was transmitted to the President of the UPC, thereby demonstrating that Thomas Lubanga Dyilo was the person considered to be responsible for events within his zone of responsibility. Furthermore, the prosecution submits that evidence that Thomas Lubanga Dyilo was considered to be the</p>	<p>Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.</p>	<p>The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate Thomas Lubanga Dyilo’s role within the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.</p>

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
80	(ERN DRC-OTP-0136-0188) This is a UPC letter dated 17 July 2004 from Thomas Lubanga Dyilo to the Defence minister, informing him of the transformation of the UPC/RP as per the decree dated 2 July 2004.	There is a UPC header and the document is signed by Thomas Lubanga Dyilo.	The structure of the UPC. person who would safeguard the interests of the community has already been introduced.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
81	(ERN DRC-OTP-0148-0363) This is a UPC declaration dated 3 June 2003, signed by Thomas Lubanga Dyilo, giving details of the management of the UPC/RP's executive.	There is a UPC header of the President, and a UPC stamp. The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC/FPLC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
82	(ERN DRC-OTP-0148-0377)	There is a UPC header and a (faint) stamp. The document is signed by Mr.	The link between the UPC and the FPLC.	The defence contests the admissibility of this document,	The admissibility criteria are satisfied in respect of this document, to the extent that it

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
	This is a letter dated 23 October 2003 from Mr. F. Kisenbo to all Brigade Commanders of FPLC, concerning the recovery of 60% of public reports.	F. Kisenbo.	The submissions of the prosecution are identical to those concerning other documents signed by Mr. F. Kisenbo.	which it submits makes reference to events which have no connection to the charges.	tends to demonstrate the link between the UPC and the FPLC, albeit at a point of time outside of the indictment period. It concerns issues and events (or information) that are of sufficient proximity to the charges the accused faces to be of potential assistance in this trial). Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. The prosecution sought leave to revert to the Chamber on whether this is a duplicate document. ¹⁵ The prosecution responded on 8 May 2009, ¹⁶ submitting that this document is not a duplicate, but does mirror other letters signed by Mr. F. Kisenbo as the FPLC chief of staff on the UPC letter head.

¹⁵ Transcript of hearing on 7 May 2009, ICC-01/04-01/06-T-170-Conf-Eng, page 20 lines 19 – 25 and page 21 lines 2 - 11.

¹⁶ Email communication from the prosecution to the Trial Chamber through the Legal Advisor to the Trial Division on 8 May 2009.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
83	(ERN DRC-OTP-0151-0111) This is a UPC Presidential Decree making an appointment.	There is a UPC header (of the Cabinet of the President). The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's authority within the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
84	(ERN DRC-OTP-0164-0452) This is an official UPC/RP Declaration stating that the UPC is a political-military movement.	There is a UPC header (of the Cabinet of the President). The document is signed by Thomas Lubanga Dyilo.	Thomas Lubanga Dyilo's role within the UPC; the objectives of the UPC.	Its authenticity is accepted, and no admissibility issues are raised.	This document satisfies each element of the test for admissibility.
85	(ERN DRC-OTP-0165-0254) This is a UPC letter dated 6 December 2003, signed by Mr. B. Ntaganda, containing the military declaration of FPLC and UPC/RP.	There is a UPC typed header and a UPC stamp. The document contains two signatures which are unclear.	Thomas Lubanga Dyilo's authority within the UPC/FPLC. The prosecution highlights that the letter is addressed to "son excellence monsieur le president de l'UPC", and it submits it has therefore been transmitted to the accused.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the authority of Thomas Lubanga Dyilo within the UPC/FPLC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant.

Anx. No.	Description	Particular Evidential Factors	Relevance to the Charges (Submitted by OTP)	Observations of the Defence	Assessment of Reliability/Relevance
86	(ERN DRC-OTP-0165-0255) This is a UPC letter dated 18 October 2002 from Mr. S. Musanganya, addressed to the Secretary General in the Ministry of Transport, informing him that, from 19 October 2002, only companies based in Bunia will be authorised to land with cargo on the territory of the UPC/RP.	There is a UPC header. The document is signed by Mr. S. Musanganya, General Administrator of Security.	The structure of the UPC.	Whilst the defence initially sought to reserve the right to challenge the authenticity of this document, it later submitted it did not present a sufficient guarantee of authenticity and reliability to be admitted into the proceedings.	The admissibility criteria are satisfied in respect of this document, to the extent that it tends to demonstrate the structure of the UPC. Matters of weight, authenticity and reliability can be the subject of later submissions, if relevant. In this regard, the Chamber observes the suggested evidential value of the document in respect of Mr. Rafiki will be dependent on an assessment of any evidence purportedly establishing that the signature of Mr. Saba Musanganya is an alternate name for Mr. Rafiki.