



Original: **French**

No.: ICC-01/04-01/06

Date: 17 August 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 *v.* THOMAS LUBANGA DYILO**

Public Document

**Decision on the Application for Participation of Victims a/0001/06 to a/0003/06 in
the Status Conference of 24 August 2006**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Counsel for the Defence

Mr Jean Flamme

Ms Véronique Pandanzyla

**Counsel for Victims a/0001/06 to
a/0003/06**

Mr Luc Walley

Mr Franck Mulenda

I, Judge Claude Jorda, judge at the International Criminal Court (“the Court”);

NOTING the “*Observations concernant les modalités de la participation des victimes*”,¹ filed by the Legal Representatives of a/0001/06 to a/0003/06 on 8 August 2006, in which the victims asked to participate in the status conference of 17 August, as well as those of 4 and 19 September 2006;

NOTING the “*Decision Authorising the Prosecutor and the Defence to Respond to the Observations of the Legal Representatives of the Victims regarding the Manner in which Victims a/0001/06, a/0002/06 and a/0003/06 are to Participate in the Confirmation Hearing*”² rendered on 10 August 2006 by Judge Sylvia Steiner acting as Single Judge of Pre-Trial Chamber I (“the Chamber”);

NOTING the “Prosecution's Response to “*Observations concernant les modalités de la participation des victimes*””³ (“the Prosecution Response”), filed by the Prosecution on 11 August 2006, in which it requested that the Single Judge reject the application of the Legal Representatives of the victims seeking authorisation to participate in the status conference of 17 August, as well as those of 4 and 19 September 2006;

NOTING the “*Decision on the Temporary Substitution of the Single Judge*” rendered by the Chamber on 11 August 2006, in which the Chamber: (i) temporarily designated Judge Claude Jorda as single judge for the case against Thomas Lubanga Dyilo, with responsibility, under article 57 (2) of the *Rome Statute* (“the Statute”), for exercising the functions of the Chamber in that case, including those functions provided for in

¹ ICC-01/04-01/06-316-Conf.

² ICC-01/04-01/06-319-tEN.

³ ICC-01/04-01/06-322-Conf.

rule 121 (2) (b) of the *Rules of Procedure and Evidence* ("the Rules"); and (ii) postponed the date of the status conference of 17 August 2006 until Thursday 24 August 2006;

CONSIDERING article 68 of the Statute;

CONSIDERING that the issue of the manner in which victims participate at the case stage is still pending, that the Prosecution and the Defence have until Friday 25 August 2006 to submit their observations on the said issue, and that the issues to be addressed at the status conference of 24 August 2006 are of a technical nature and pertain only to the system of disclosure which is already in effect between the Prosecution and the Defence, as well as to the filing with the Registry of the evidence which the Prosecution and the Defence intend to adduce at the confirmation hearing;

FOR THESE REASONS,

DECIDE not to authorise victims a/0001/06 to a/0003/06 to participate in the status conference scheduled for 24 August 2006.

Done in both English and French, the French version being authoritative.

[*signed*]

Judge Claude Jorda
Single Judge

Dated this Thursday, 17 August 2006

At The Hague, the Netherlands