



Original: **English**

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

Date: **30 August 2006**

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, 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 Redacted Version

Decision on the Agenda of the Hearing of 1 September 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

**Legal Representatives of Victims a/0001/06
to a/0003/06**

Mr Luc Walley
Mr Franck Mulenda

Office of Public Counsel for the Defence

Ms Melinda Taylor

I, Judge Sylvia Steiner, judge at the International Criminal Court (“the Court”);

NOTING the “Prosecution’s Application pursuant to Rule 81 (2) and 81(4)” (“the Prosecution First Request”),¹ filed by the Prosecution on 21 August 2006, in which it requested the authorisation of the Chamber for redactions REDACTED witness statements on which the Prosecution intends to rely at the confirmation hearing;

NOTING the “Prosecution’s Application pursuant to Rules 81 (2) and 81 (4)” (“the Prosecution Second Request”),² filed by the Prosecution on 23 August 2006, in which it requested the autorisation of the Chamber for redactions REDACTED witness statements on which the Prosecution intends to rely at the confirmation hearing;

NOTING the “Decision on the Prosecution practice to provide to the Defence redacted versions of evidence and materials without authorisation by the Chamber”, issued by the single judge on 25 August 2006, in which *inter alia* the Prosecution (i) was ordered “to file *ex parte* only available to the Prosecution by 29 August 2006 the originals of the forty-one redacted documents which the Prosecution has already disclosed to the Defence, redactions not previously authorised by the Chamber”; and (ii) was given “until 29 August 2006 at 16.00 hours to file applications for authorisation for redactions in evidence other than witness statements included in the Prosecution Charging Document and List of Evidence”;

NOTING the “Prosecution’s Request for Authorisation of Redactions in Documents” (“the Prosecution Third Request”),³ filed by the Prosecution on 28 August 2006, in which it requested the authorisation of the Chamber for redactions REDACTED

¹ ICC-01/04-01/06-341-Conf.

² ICC-01/04-01/06-347-Conf.

³ ICC-01/04-01/06-357-Conf.

documents on which the Prosecution intends to rely at the confirmation hearing or otherwise subject to inspection pursuant to rule 77 of the Rules of the Procedure and Evidence (“the Rules”);

NOTING the “Prosecution’s Application pursuant to Rules 81 (2) and (4)” (“the Prosecution Fourth Request”),⁴ filed by the Prosecution on 28 August 2006, in which it requested the authorisation of the Chamber for redactions in certain witness statements and transcripts of interviews on which the Prosecution intends to rely at the confirmation hearing;

NOTING the “Prosecution’s Request for Authorization of Redactions in Documents Previously Disclosed to the Defence” (“the Prosecution Fifth Request”),⁵ filed by the Prosecution on 29 August 2006, in which it requested the authorisation of the Chamber for redactions in forty-one documents previously disclosed to the Defence in redacted form without the prior authorisation of the Chamber;

NOTING that an ex parte hearing has been scheduled for Thursday 31 August 2006 at 11.00 hours (“the hearing”) to deal with all five Prosecution requests;

NOTING articles 57 (3) (c), 61 (3) (b), 67 (2) and 68 (1) of the Rome Statute (“the Statute”) and rules 76 to 83 of the Rules;

CONSIDERING the extremely large amount of materials to be dealt with at the hearing and that providing an agenda in advance to the Prosecution and the Victims and Witnesses Unit will permit them to prepare better for the hearing;

⁴ ICC-01/04-01/06-358-Conf.

⁵ ICC-01/04-01/06-363-Conf-Exp.

FOR THESE REASONS

DECIDE to re-schedule the ex parte hearing with the Prosecution and the Victims and Witnesses Unit for Friday 1 September 2006 at 10h00;

DECIDE that the agenda of the hearing of 1 September 2006 shall be as provided for in Annex I to this Decision;

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

Judge Sylvia Steiner
Single Judge

Dated this Wednesday 30 August 2006

At The Hague

The Netherlands

ANNEX I : AGENDA OF THE HEARING OF 1 SEPTEMBER 2006**ITEM 1: PROSECUTION THIRD REQUEST**

REDACTED

ITEM 2: PROSECUTION FIFTH REQUEST

A complementary agenda concerning the Prosecution Fifth Request shall be filed tomorrow.

ITEM 3: PROSECUTON FIRST REQUEST

REDACTED

ITEM 4: PROSECUTION SECOND REQUEST

REDACTED

ITEM 5: PROSECUTION FOURTH REQUEST

REDACTED