

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 04 September 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single judge

Registrar: Mr Bruno Cathala

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

**Public Document
URGENT**

Decision on the Agenda of the Status Conference of the 5th September 2006

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer

Counsel for the Defence

Mr Jean Flamme
Ms Veronique Pandanzyla

**Office of Public Counsel for the
Defence**

Ms Melinda Taylor

JUDGE SYLVIA STEINER, judge at the International Criminal Court (the "Court");

NOTING the status conference scheduled for 5 September 2006;

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;

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;

NOTING the "Decision on the Prosecution practice to provide to the Defence redacted versions of evidence and materials without authorization by the Chamber", issued by the single judge on 25 August 2006³;

NOTING the "Final Decision on the E-Court Protocol for the Provision of Evidence, Material and Witness Information on Electronic Version for their Presentation During the Confirmation Hearing" ("Final Decision on the E-Court Protocol") issued by the single judge on 28 August 2006⁴;

NOTING the "Submission of the Document Containing the Charges pursuant to Article 61 (3) (a) and of the List of Evidence pursuant to Rule 121 (3)",⁵ filed by the Prosecution on 28 August 2006, which included the Prosecution Charging Document and List of Evidence

¹ ICC-01/04-01/06-341-Conf.

² ICC-01/04-01/06-347-Conf.

³ ICC-01/04-01/06-355

⁴ ICC-01/04-01/06-360

⁵ ICC-01/04-01/06-356

NOTING the “Prosecution’s Request for Authorization of Redactions in Documents” (“the Prosecution Third Request”),⁶ filed by the Prosecution on 28 August 2006;

NOTING the “Prosecution’s Application pursuant to Rules 81 (2) and (4)” (“the Prosecution Fourth Request”),⁷ filed by the Prosecution on 28 August 2006;

NOTING the “Prosecution’s Request for Authorization of Redactions in Documents Previously Disclosed to the Defence” (“the Prosecution Fifth Request”),⁸ filed by the Prosecution on 29 August 2006;

NOTING the “Prosecution Application pursuant to Rules 81 (2) and 81 (4)” (“the Prosecution Sixth Request”),⁹ filed by the Prosecution on 30 August 2006, and the corrigendum to Annexes 1 to 5 of the Prosecution Sixth Request filed by the Prosecution on 31 August 2006;

NOTING the *ex parte* hearing with the Prosecution and the representatives of the Victims and Witnesses Unit held in closed session on 1 September 2006, whereby the single judge (i) ordered the Prosecution to re-file the annexes to the Prosecution First Request, the Prosecution Second Request, the Prosecution Third Request, the Prosecution Fourth Request and the Prosecution Sixth Request, and to address the questions posed and the concerns raised by the Chamber; and (ii) decided to postpone the *ex parte* hearing of 4 September 2006 and to fix a new date for such a hearing only after the Prosecution has complied, by 11 September 2006, with the order for re-filing;

⁶ ICC-01/04-01/06-357-Conf

⁷ ICC-01/04-01/06-358-Conf

⁸ ICC-01/04-01/06-363-Conf-Exp

⁹ ICC-01/04-01/06-367-Conf-Exp

NOTING the “Decision on the Prosecution Request for Extension of Time, Clarification and Provision of Information”,¹⁰ issued by the single judge on 1 September 2006, and the “Decision concerning the Prosecution’s Requests for Redactions”, issued by the single judge on 1 September 2006;¹¹

CONSIDERING that the Status Conference to be held tomorrow is the appropriate forum to discuss the matters related to the disclosure procedures and to the implications of the above mentioned filings on the timetable set in the “Decision on the Postponement of the Confirmation Hearing and the Adjustment of the Timetable set in the Decision on the Final System of Disclosure (“Decision on the Postponement of the Confirmation Hearing”)¹²;

FOR THESE REASONS

DECIDES that the agenda of the Status Conference of 5 September 2006 shall be as follows:

- (1) Update from the Defence and the Registry on the logistical issues related to defence access to the evidence included in the Prosecution Charging Document and List of Evidence;
- (2) Update from the Defence and the Registry on the logistical issues related to Defence investigative activities and resources;
- (3) Disclosure process and filing of evidence with the Registry; filings according to the E-Court Protocol;

¹⁰ ICC-01/04-01/06-376-Corr

¹¹ ICC-01/04-01/06-377-Conf-Exp


¹² ICC-01/04-01/06-126

(4) Defence current access to the evidence referred to in the Prosecution Charging Document and List of Evidence and implications of the recent filings on the timetable;

(5) Other matters

DECIDES that the items referred to in topic (4) of the agenda will be discussed in closed session.

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



Judge Sylvia Steiner
Single judge

Dated this Monday 04 September 2006

At The Hague

The Netherlands