



Original: French

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

Date: 5 October 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding
Judge Akua Kuenyehia
Judge Sylvia Steiner

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 date of the confirmation hearing

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Legal Representatives of the Victims

Mr Luc Walley

Mr Franck Mulenda

Counsel for the Defence

Mr Jean Flamme

Pre-Trial Chamber I (“the Chamber”) of the International Criminal Court (“the Court”);

NOTING the Decision on the postponement of the confirmation hearing to 28 September 2006 rendered by Judge Sylvia Steiner on 24 May 2006;¹

NOTING the Prosecutor’s filing on 28 August 2006 of the detailed description of the charges together with a list of the evidence on which he intends to rely during the confirmation hearing;²

NOTING the various applications³ and amendments⁴ filed by the Prosecutor under rules 81 (2) and 81 (4) of the Rules of Procedure and Evidence (“the Rules”), filed in the record between 21 August 2006 and 19 September 2006;

NOTING the Decision on the final system of disclosure and the establishment of a timetable (the “Decision on the system of disclosure”) rendered by Judge Sylvia Steiner on 15 May 2006;⁵

NOTING the Decision on the e-Court protocol for the presentation of evidence at the confirmation hearing (the “Decision on the presentation protocol”) rendered by Judge Sylvia Steiner on 28 August 2006;⁶

¹ ICC-01/04-01/06-126.

² CC-01/04-01/06-356.

³ ICC-01/04-01/06-341-Conf, ICC-01/04-01/06-347-Conf, ICC-01/04-01/06-357-Conf, ICC-01/04-01/06-358-Conf, ICC-01/04-01/06-363-Conf-Exp, ICC-01/04-01/06-367-Conf-Exp.

⁴ ICC-01/04-01/06-381-Conf, ICC-01/04-01/06-382-Conf, ICC-01/04-01/06-384-Conf, ICC-01/04-01/06-391-Conf-Exp, ICC-01/04-01/06-392-Conf, ICC-01/04-01/06-395-Conf, ICC-01/04-01/06-409-Conf-Exp, ICC-01/04-01/06-410-Conf, ICC-01/04-01-06-431-Conf, ICC-01/04-01/06-434-Conf-Exp.

⁵ CC-01/04-01/06-102.

⁶ CC-01/04-01/06-360.

NOTING the Decision fixing the deadline of 12 September 2006 for the Prosecution and the Defence rendered by Judge Sylvia Steiner on 8 September 2006⁷ and suspending the time limit for the filing of the Defence List of Evidence;

NOTING the Decision on the postponement of the confirmation hearing rendered by the Chamber on 20 September 2006;⁸

NOTING the status conference of 26 September 2006, during which the Prosecutor, the Defence and the Legal Representatives of the Victims made submissions concerning the date of the confirmation hearing;

NOTING the Decision on the Prosecution Information in respect of the Second Decision on Rule 81 Motions, rendered by Judge Sylvia Steiner on 28 September 2006;⁹

CONSIDERING articles 61, 67 and 68 of the Statute and rules 78, 121 and 122 of the Rules;

CONSIDERING that, pursuant to rule 121 (3) of the Rules, the Prosecutor must provide to the Pre-Trial Chamber and the person concerned, no later than 30 days before the date of the confirmation hearing, a detailed description of the charges together with a list of the evidence which he or she intends to present at the hearing;

CONSIDERING that the Defence received notification of the Prosecutor's detailed description of the charges and the list of evidence on 28 August 2006;

⁷ ICC-01/04-01/06-407.

⁸ ICC-01/04-01/06-454.

⁹ ICC-01/04-01/06-490.

CONSIDERING that 30 days before the confirmation hearing, the Defence should be in a position to have effective access to the evidence on which the Prosecutor intends to rely during the said hearing;

CONSIDERING that the Defence will be in a position to have access to this evidence in accordance with the terms set out in the Decision on the presentation protocol on Monday 9 October 2006 at the latest;

FOR THESE REASONS

DECIDES to postpone the confirmation hearing to 9 November 2006;

DECIDES therefore, that if the Defence intends to present evidence under article 61 (6) of the Statute, it must submit a list thereof to the Chamber no later than 15 days before the confirmation hearing, that is, on 25 October 2006;

DECIDES that any application by the Defence under rule 81 of the Rules must be filed no later than 25 October 2006;

DECIDES that, pursuant to rule 78 of the Rules, the Defence must, where applicable, permit the Prosecutor to inspect, no later than 31 October 2006, any books, documents, photographs and other tangible objects which it intends to present at the confirmation hearing;

DECIDES that, pursuant to the Decision on the system of disclosure and the Decision on the presentation protocol, the Defence must, where applicable, file the

originals and electronic versions of the evidence on which it intends to rely during the confirmation hearing no later than 6 November 2006;

DECIDES that the Prosecutor must file the reports and documents referred to in the Decision on the Prosecution Information in respect of the Second Decision on rule 81 motions no later than 25 October 2006;

DECIDES that, pursuant to rule 122 (1) of the Rules, a hearing will be held on 26 October 2006 at 10.00 a.m. to determine how the confirmation hearing is to be conducted.

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

/Signed/

Judge Claude Jorda
Presiding Judge

/Signed/

Judge Akua Kuenyehia

/Signed/

Judge Sylvia Steiner

Dated this Thursday 5 October 2006

At The Hague

The Netherlands