

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

No.: ICC-01/04-01/06  
Date: 1 November 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  
*vs. THOMAS LUBANGA DYILO***

**URGENT**

**Public Document with Confidential Annex**

**Decision Convening a Hearing on the Defence Request for Order to Disclosure  
Exculpatory Materials**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensoouda

Mr Ekkehard Withopf

**Legal representatives of victims**

**a/0001/06 to a/0003/06 and a/0105/06**

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

**Counsel for the Defense**

Mr Jean Flamme

Ms Véronique Pandanzyla

**Public Office for the Defence**

Ms Melinda Taylor

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

**NOTING** the “Request for Order to Disclose Exculpatory Materials” (“the Defence Request”),<sup>1</sup> filed by the Defence on 1 November 2006, in which the Defence requests the Chamber: (i) to order the Prosecution to immediately disclose the requested materials; and (ii) amend the deadline for filing the list of Defence evidence in relation to any materials which are received from the Prosecution after 2 November 2006;

**NOTING** article 67 (2) of the Rome Statute (“the Statute”) and rules 76 to 83 and 121 (6) of the Rules of Procedure and Evidence (“the Rules”);

**CONSIDERING** the need (i) to have a hearing on the Defence Request and (ii) to rule on the Defence Request on an expedited basis;

**CONSIDERING** that, if the Chamber decides to order the Prosecution to disclose to the Defence any of the materials referred to in the Defence Request, the Defence must have the possibility to add to its list of evidence, any of the materials transmitted by the Prosecution pursuant to the said order, after the Defence has received them from the Prosecution;

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<sup>1</sup> ICC-01/04-01/06-633-Conf.

**FOR THESE REASONS**

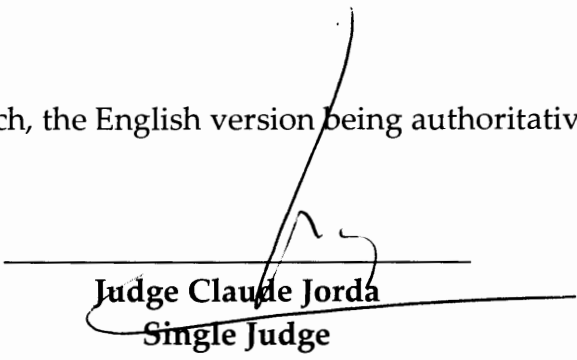
**DECIDE** to convene a hearing on the Defence Request with the Prosecution, the Defence and the representatives of the Victims and Witnesses Unit to be held in closed session on Thursday 2 November 2006 at 9h00.

**DECIDE** that the agenda of the hearing shall be as provided for in Annex I to the present decision.

**DECIDE** that:

- (i) the 2 November 2006 deadline for the the filing of the Defence List of Additional Evidence shall not be applicable to those materials referred to in the Defence Request;
- (ii) if necessary, a new deadline in relation to the said materials shall be established in the decision on the Defence Request that shall be issued after the hearing.

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



Judge Claude Jorda  
Single Judge

Done this Wednesday, 1 November 2006

At The Hague

The Netherlands