

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

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

Date: 7 November 2006

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
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 concerning list of issues on jurisdiction, admissibility or proper conduct  
of the proceedings**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

**Legal Representatives for Victims**

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

Mr Luc Walley

Mr Franch Mulenda

Ms Carine Bapita Buyangandu

**Counsel for the Defence**

Mr Jean Flamme

Ms Véronique Pandanzyla

**Office of Public Counsel for the  
Defence**

Ms Melinda Taylor

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“the Chamber” and “the Court” respectively);

**NOTING** the Defence submission at the status conference held on 26 October 2006 in the sense that sufficient time should be allocated for the discussion of any issue of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing which might be raised pursuant to rules 122 (2) and (3) of the Rules;

**NOTING** the Prosecution submission at the status conference held on 3 November 2006 in the sense that the one hour and half allocated in the proposed schedule for the confirmation hearing is likely to be insufficient to deal with the issues of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing that the Prosecution or the Defence might raise pursuant to rules 122 (2) and (3) of the Rules;

**NOTING** rule 122 of the Rules of Procedure and Evidence;

**CONSIDERING** that both the Prosecution and the Defence have advised the Chamber that, due to the issues that shall likely be raised pursuant to rule 122 (2) and (3) of the Rules, the discussion on such issues will require the allocation of more time than the hour and a half provided for in the schedule proposed by the Chamber;

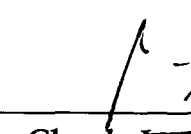
**CONSIDERING**, therefore, that in order to properly determine pursuant to rule 122 (1) of the Rules how the hearing is to be conducted during the first two days of the confirmation hearing, it is necessary to obtain, prior to the commencement of the hearing, the list of those issues of jurisdiction, admissibility or concerning the proper

conduct of the proceedings leading to the confirmation hearing that Prosecution and Defence intend to raise pursuant to rules 122 (2) and (3) of the Rules;

**FOR THESE REASONS,**

**REQUESTS** the Prosecution and the Defence to file by Wednesday 8 November 2006 at 14h00 the list of those issues of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing that they intend to raise pursuant to rules 122 (2) and (3) of the Rules;

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

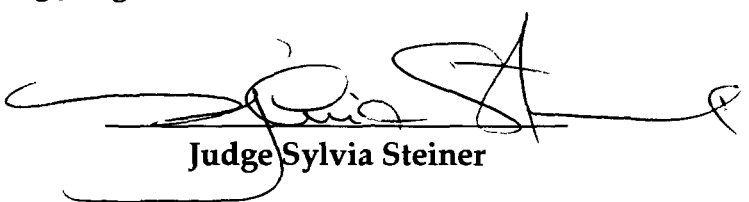
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**Judge Claude Jorda**  
**Presiding Judge**

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**Judge Akua Kuenyehia**

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**Judge Sylvia Steiner**

Dated this Tuesday 7 November 2006

At The Hague

The Netherlands