

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 16 August 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

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

**Public - Urgent
Direction suspending the timetable on the subjects that require early
determination**

Office of the Prosecutor

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

Counsel for the Defence

Ms Catherine Mabilie

Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06
Mr Luc Walleyrn
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

1. In order to facilitate the efficient preparation of the trial of Mr Thomas Lubanga Dyilo, the Trial Chamber issued a "Request for submissions on the subjects that require early determination" ("Request") on 18 July 2007. In its Request the Trial Chamber set out preliminary proposals as to the subjects that require early determination, together with suggested dates for the filing of submissions on those issues and a timetable for hearings. The Trial Chamber also invited submissions on the list of issues, the dates for filing submissions and the timetable. A hearing to discuss, among others, the views of the parties and participants in the case proceedings on the proposed agenda and timetable was scheduled on 4 September 2007.
2. The Defence for Mr Thomas Lubanga Dyilo filed a "*Réponse de la Défense à l'invitation de la Chambre de Première Instance à présenter des conclusions sur des questions devant être tranchées à un stade précoce de la procédure*" ("Defence Response") to the Trial Chamber's Request on 7 August 2007. The Defence submitted that it would not be in a position to make submissions on some of the issues set out in the Request in accordance with the proposed timetable; requested a two month time-period from the moment the defence team is fully constituted to familiarise itself with the case file; and indicated that it would propose an amended timetable at the hearing on 4 September. In support of its request, the Defence stated that lead counsel was appointed on 21 June 2007; the defence team was not fully constituted yet and lead counsel hoped that it would be by 1st September 2007; the defence team needed to familiarise itself with a voluminous case file, and in particular with some of the issues scheduled for discussion at the hearings scheduled on 11 and 25 September.

3. On 15 August 2007, the Office of the Prosecutor filed a response to the Defence Response. The Prosecution submitted that it opposed the Defence's request to delay the schedule established by the Trial Chamber for two months. In support of its position, the Prosecution submitted that many of the proposed subjects for determination are of a procedural nature, not requiring an in-depth knowledge of every aspect of the case and that most of these subjects are closely related to the preparation of the trial and require early determination in order for the participants to properly prepare. In its submission the Prosecution agreed with the Defence's request to delay the discussion of matters related to the instruction of expert witnesses and reschedule it to a later status conference. Finally the Prosecution suggested to the Trial Chamber the inclusion of additional subjects in the upcoming hearings: the place of trial and the manner in which evidence shall be submitted.
4. The Trial Chamber notes the reasoning expressed in the parties' submissions and recognizes the attempt made by them to reach an agreement. However, since consensus among the parties was not achieved, further arguments supporting the respective submissions shall be heard on 4 September.
5. Although the timetable set out in its Request was provisional, as some of the time-limits proposed expire before 4 September when the parties and participants will be heard on the agenda and timetable, the Trial Chamber suspends the proposed timetable set out in the Request. Following the 4 September hearing, the Trial Chamber shall issue directions as to the agenda and timetable.

Judge Adrian Fulford was consulted but is unavailable to sign the Direction as he is away from the seat of the Court on the day of signature.

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

Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 16 August 2007

At The Hague, The Netherlands