

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 17 January 2008

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

Order scheduling a hearing to deliver an oral decision

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
Mr Jean-Marie Biju-Duval

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

1. The Trial Chamber is seized of a number of applications from the Office of the Prosecutor (“prosecution”) in relation to disclosure: “Prosecution’s Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence” dated 12 December 2007;¹ “Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)” dated 13 December 2007;² “Prosecution’s Application for Lifting of Redactions and Non-Disclosure of Information” dated 14 December 2007;³ “Prosecution’s Provision of Witness Statements and Request to Disclose Summary Evidence further to the “Prosecution’s Request for Application for Lifting of Redactions and Non-Disclosure of Information” filed 12 December 2007” dated 19 December 2007;⁴ “Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)” filed on 21 December 2007.⁵ The defence filed a response to the applications of 12, 13 and 14 December 2007 on 4 January 2008,⁶ and to the application of 21 December 2007 on 10 January 2008.⁷

2. The Trial Chamber heard oral submissions on the prosecution’s applications at a public Status Conference on 10 January 2008.⁸ On the same day, the prosecution was heard on specific requests in the applications in an *ex parte* hearing.⁹ Further materials and information were requested from the

¹ ICC-01/04-01/06-1081 and Conf-Exp Annexes.

² *Ex parte* prosecution only ICC-01/04-01/06-1085-Conf-Exp; public formatted and redacted version, ICC-01/04-01/06-1086.

³ ICC-01/04-01/06-1087 and Conf-Exp Annexes.

⁴ ICC-01/04-01/06-1098.

⁵ ICC-01/04-01/06-1102 and Conf-Exp Annexes.

⁶ Réponse de la Défense à la “Prosecution’s Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence”, à la “Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)” et à la “ Prosecution’s Application for Lifting of Redactions and Non-Disclosure of Information”, ICC-01/04-01/06-1104.

⁷ Réponse de la Défense à la “Prosecution’s Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)”, ICC-01/04-01/06-1112.

⁸ Transcript of hearing on 10 January 2008, ICC-01/04-01/06-T-69-ENG, pages 42-63.

⁹ Transcript of hearing on 10 January 2008, ICC-01/04-01/06-T-70-CONF-EXP-ENG.

prosecution and filed on 14 January 2008.¹⁰ In its filing of 14 January 2008, the prosecution requested additional time to submit some of the information requested by the Chamber.¹¹

3. The Trial Chamber hereby schedules a hearing to deliver an oral decision on the prosecution's applications on Friday 18 January 2008 at 10.00.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 17 January 2008

At The Hague, The Netherlands

¹⁰ Prosecution's Submission of Statements pursuant to *ex parte* hearing on 10 January 2008, ICC-01/04-01/06-1115-Conf-Exp, and Corrigendum to Prosecution's Submission of Statements pursuant to *ex parte* hearing on 10 January 2008, ICC-01/04-01/06-1115-Conf-Exp.

¹¹ ICC-01/04-01/06-1115-Conf-Exp, paragraph 39.