

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04
Date: 8 March 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Public Document

DECISION REQUESTING FINAL CLARIFICATIONS FROM THE NFI

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Mrs Fatou Bensouda
Mr Ekkehard Withopf
Ms Lyne Décarie

Ad Hoc Counsel for the Defence

Mr Tjarda van der Spoel

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the “Decision as to the content of the NFI Report”, filed by Pre-Trial Chamber I on 28 November 2005, in which the Chamber ordered the Netherlands Forensic Institute (the “NFI”) to produce a final report within the next sixty days;

NOTING the “Additional report from the NFI 30 January 2006 - NFI case number 2005.05.02.089A” (the “NFI’s Additional Report”), filed confidentially by the Registry on 1 February 2006;

NOTING the “Decision Establishing a Deadline for Final Submissions on the NFI’s Additional Report” filed by Pre-Trial Chamber I on 8 February 2006, in which the Chamber granted the Prosecution and the Ad Hoc Counsel for the Defence the opportunity to make final observations on the NFI’s Additional Report and decided that participants VPRS 1 to VPRS 6 will not participate in the proceedings relating to the NFI’s examination;

NOTING the “Prosecution’s Final Observations on the NFI’s Additional Report” (the “Prosecution’s Final Observations”) filed on 16 February 2006, whereby the Prosecution requested clarifications from the NFI on its interpretation of the explanatory note in the NFI’s Additional Report;

NOTING the “Ad Hoc Defence Counsel’s Final Submission on the NFI’s Additional Report” (the “Ad Hoc Defence Counsel’s Final Submission”) filed on 20 February 2006, whereby the Ad Hoc Defence Counsel requested some clarifications with regard to the NFI’s Additional Report;

NOTING the decision of the Chamber of 24 February 2006 designating Judge Sylvia Steiner as single judge of the Chamber for the situation in the Democratic Republic of the Congo from 25 February to 9 March 2006;

NOTING article 56 (1) (b) and (2) of the Rome Statute (the "Statute");

CONSIDERING that it is necessary to finalise the proceedings relating to the NFI's examination under article 56 (1) (b) and (2) of the Statute;

FOR THESE REASONS,

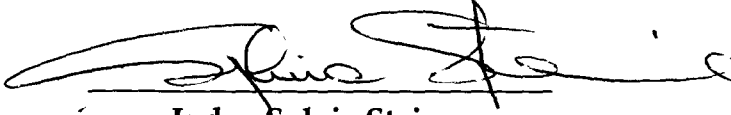
ORDERS the Registrar to notify the NFI of the following documents:

- i) ICC-01/04-113-Conf, and
- ii) ICC-01/04-116-Conf;

ORDERS the NFI to answer within 15 days of the notification of the two above-mentioned documents the requests for clarification contained in:

- i) Paragraph 5 of the Prosecution's Final Observations; and
- ii) Paragraph 7 of the Ad Hoc Defence Counsel's Final Submission.

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


Judge Sylvia Steiner
Single Judge

Dated this Wednesday 8 March 2006

At The Hague

The Netherlands