Cour Pénale Internationale

International Criminal Court

Original: **English**

No: **ICC-01/04-01/06**
Date: **22 September 2006**

PRE-TRIAL CHAMBER I

Before: **Judge Sylvia Steiner, Single Judge**

Registrar: **Mr Bruno Cathala**

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

URGENT
Public

Decision on the Agenda of the Status Conference of 26 September 2006

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf

Counsel for the Defence
Mr Jean Flamme
Ms Véronique Pandanzyla

Legal Representatives of Victims a/0001/06 to a/0003/06
Mr Luc Walleyn
Mr Franck Mulenda

Office of Public Counsel for the Defence
Ms Melinda Taylor

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

NOTING the "Decision on the Postponement of the Status Conference Scheduled for 19 September 2006",[1] issued by the single judge on 18 September 2006, in which the single judge postponed the status conference scheduled for 19 September 2006 until 26 September 2006 at 14h00;

NOTING the "Prosecution Request to Schedule a Status Conference by 22 September 2006 the latest on the Starting Date of the Confirmation Hearing and to Provide Information to the Parties concerning the Conduct of the Confirmation Hearing",[2] filed by the Prosecution on 20 September 2006, in which the Prosecution *inter alia* requested "the Presiding Judge to provide information to the Parties pursuant to Rule 122 (1) on how the Confirmation Hearing is to be conducted and, in particular, the order and the conditions under which he intends the evidence contained in the record of the proceedings to be presented";

NOTING the "Request for further information regarding the confirmation hearing and for appropriate relief to safeguard the rights of the Defence and Thomas Lubanga Dyilo" filed by the Defence on 20 September 2006, in which the Defence (i) requests certain information regarding the confirmation hearing; and (ii) makes suggestions about the format of the hearing;

NOTING the "Décision sur les modalités de participation des victims a/0001/06, a/0002/06 et a/0003/06 à l'audience de confirmation des charges",[3] issued by the Chamber on 22 September 2006, which states that the Legal Representatives of

[1] ICC-01/04-01/06-440;
[2] ICC-01/04-01/06-450 ;
[3] ICC-01/04-01/06-462;

Victims a/0001/06 to a/0003/06 may be present at the status conference of 26 September 2006 insofar as it is held in public session;

NOTING articles 57 (3) (c), 61, 67 and 68 of the Rome Statute ("the Statute") and rules 76 to 83 of the Rules;

CONSIDERING that providing an agenda in advance to the Prosecution, the Defence and the Representatives of Victims a/0001/06 to a/0003/06 will permit them to prepare better for the status conference of 26 September 2006;

FOR THESE REASONS

DECIDE that the agenda of the hearing of 26 September 2006 shall be as follows:

(i) observations of the Prosecution, the Defence and the Legal Representatives of Victims a/0001/06 to a/0003/06 on the new starting date for the confirmation hearing in the case against Thomas Lubanga Dyilo and the timetable leading to the confirmation hearing;

(ii) observations of the Prosecution, the Defence and the Legal Representatives of Victims a/0001/06 to a/0003/06 on how the confirmation hearing will be conducted according to rule 122 (1) of the Rules;

(iii) matters related to the *inter partes* disclosure process and the process of the filing with the Registry of the evidence on which the parties intend to rely at the confirmation hearing;

(iv) other matters.

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

Judge Sylvia Steiner
Single Judge

Dated this Friday 22 September 2006

At The Hague

The Netherlands