

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 8 November 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Single Judge

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 give access to the Prosecution to the evidence included in the Defence list
of evidence filed on 2 November 2006**

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensoouda
Mr Ekkehard Withopf

**Legal Representatives of Victims
a/0001/06 to a/0003/06 and a/105/06**

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

Counsel for the Defense

Mr Jean Flamme
Ms Véronique Pandanzyla

**The Office of Public Counsel for the
Defence**

Ms Melinda Taylor

I, Judge Claude Jorda, judge at the International Criminal Court ("the Court");

NOTING the "Decision on the Final System of Disclosure and the Establishment of a Timetable",¹ issued by the single judge on 15 May 2006;

NOTING the "Decision on the E-Court Protocol for the Provision of Evidence, Material and Witness Information in Electronic Version for their Presentation during the Confirmation Hearing" ("the Decision on the E-Court Protocol")², issued by the single judge on 28 August 2006;

NOTING "the Decision on the date of the confirmation hearing" ("the Decision")³, issued by the Chamber on 5 October 2006;

NOTING that on 6 November 2006 the Defence, pursuant to the Decision and the Decision on the E-Court Protocol, filed with the Registry the evidence included in the Defence List of Evidence filed on 2 November 2006;

NOTING that the Prosecution has not been given access yet to such evidence;

NOTING rules 78 and 121 of the Rules of Procedure and Evidence ("the Rules");

CONSIDERING that the filing of evidence in accordance with the Decision on the E-Court Protocol must be made on an *inter partes* basis insofar as the Prosecution and the Defence can use code numbers and the word "REDACTED" to fill out the fields for which redactions have been authorised by the Chamber under rule 81 of the Rules.

¹ ICC-01/04-01/06-102.

² ICC-01/04-01/06-360.

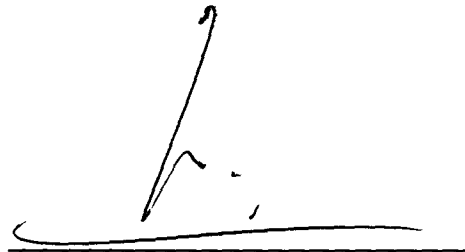
³ ICC-01/04-01/06-521-tEN.

CONSIDERING that there is no pending Defence motion under rule 81 of the Rules

FOR THESE REASONS

ORDER the Registry to give immediate access to the Prosecution to the evidence included in the Defence List of Evidence filed on 2 November 2006 and filed in accordance with the Decision and the Decision on the E-Court Protocol on 6 November 2006.

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

A handwritten signature in black ink, consisting of a stylized 'C' and 'J' followed by a horizontal line.

**Judge Claude Jorda
Presiding Judge**

Dated this Wednesday 8 November 2006

At The Hague,

The Netherlands