

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 07 February 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single judge

Registrar: Mr Bruno Cathala

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

Public Document

**Decision Ordering the Defence to File a Public Redacted Version of its
"Application for Leave to Appeal the Pre-Trial Chamber I's 29 January 2007
'Décision sur la confirmation des charges'"**

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf
Legal Representatives of Victims
a/0001/06 to a/0003/06, a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla
**The 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 designation of a Single Judge", by which Judge Sylvia Steiner has been designated a Single Judge for the case *The Prosecutor v. Thomas Lubanga Dyilo*¹, filed on 2 february 2007

NOTING the "Decision on the applications for participation in the proceedings of a/0001/03, a/0002/03 and a/0003/03 in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and of the investigation in the Democratic Republic of the Congo", rendered by Pre-Trial Chamber I ("the Chamber") on 28 July 2006 in which it "decide[d] that the status of victim is granted to Applicants a/0001/06, a/0002/03 and a/0003/03 at that stage of the case of *The Prosecutor v. Thomas Lubanga Dyilo*";²

NOTING the "Decision on the Arrangements for Participation of Victims a/0001/06, a/0002/06 and a/0003/06 at the Confirmation Hearing", rendered by the Chamber on 22 September 2006, and in which the aforesaid victims where authorized to participate in the confirmation hearing of the case of the *Prosecutor v Thomas Lubanga Dyilo* upon the terms set forth in that decision;"³

¹ ICC-01/04-01/06-804

² ICC-01/04-01/06-228.

³ ICC-01/04-01/06-462

NOTING the “Decision on the applications for participation in the proceedings a/0004/06 to a/0009/06, a/0016/06 to a/0063/06, a/0071/06 to a/0080/06 and a/0105/06 in the case of *The Prosecutor v. Thomas Lubanga Dyilo*” rendered by the Chamber on 20 October 2006 in which it “decide[d] that victim status is granted to Applicant a/0105/06 at the stage of the case of *The Prosecutor v. Thomas Lubanga Dyilo*,” on the same terms as those granted to victims a/0001/06 to a/0003/06;⁴

NOTING the “Decision on the schedule and conduct of the confirmation hearing” rendered by the Chamber on 7 November 2007 whereby the Chamber, *inter alia*, stated that “the Legal Representatives of the Victims may make opening and closing statements at the confirmation hearing in which they may not enlarge upon the evidence or facts in the case of *The Prosecutor v Thomas Lubanga Dyilo*”;⁵

NOTING the “Décision sur la confirmation des charges” rendered by the Chamber on 29 January 2007;⁶

NOTING the Defence “Application for Leave to Appeal the Pre-Trial Chamber I’s 29 January 2007 ‘Décision sur la confirmation des charges’” which was filed as a confidential document;⁷

⁴ ICC-01/04-01/06-601-tEN.

⁵ ICC-01/04-01/06-678.

⁶ ICC-01/04-01/06-796-Conf. the public version of this document is ICC-01/04-01/06-803.

⁷ ICC-01/04-01/06-807-Conf.

NOTING article 68(3) of the Rome Statute ("the Statute"), Rules 93 and 155 of the Rules of Procedure and Evidence ("the Rules") and Regulation 65(3) of the Regulations of the Court;

CONSIDERING that Victims a/0001/06, a/0002/06, a/0003/06 and a/0105/06 participated in the confirmation hearing in accordance with the decisions on the Chamber which prescribed their modalities of participation and therefore in terms of the Statute, the Rules and Regulations of the Court may be considered as participants in the proceedings;

CONSIDERING that the Legal Representatives of the Victims have the right to file a response to the Defence "Application for Leave to Appeal the Pre-Trial Chamber I's 29 January 2007 'Décision sur la confirmation des charges'", in accordance with Regulation 65(3) of the Regulations of the Court;

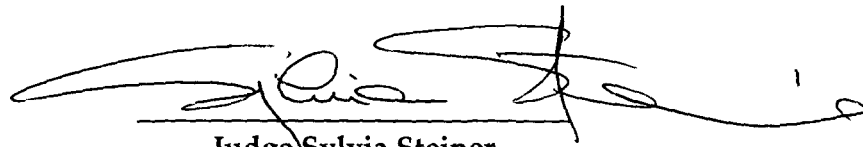
CONSIDERING however that the Legal Representatives of the Victims cannot exercise their aforesaid right without being notified of the Defence "Application for Leave to Appeal the Pre-Trial Chamber I's 29 January 2007 'Décision sur la confirmation des charges'"

CONSIDERING that, the Chamber has already determined that unless it decides otherwise in light of exceptional circumstances, the Legal Representatives of Victims will be notified of and have access only to the public documents contained in the record of the case *The Prosecutor vs. Thomas Lubanga Dyilo*;

FOR THESE REASONS

ORDERS the Defence to file, by Thursday, 8 February 2007, at 16:00, a public redacted version of its "Request for Leave to Appeal the Pre-Trial Chamber's 'Decision sur la confirmation des charges' of 29 January 2007" to enable the Victims respond to it, within the limits imposed by the Decision on the schedule and conduct of the Confirmation Hearing as mentioned above.

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



Judge Sylvia Steiner
Single Judge

Dated this Wednesday 7 February 2007

At The Hague

The Netherlands