

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 17 October 2007

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

The Trial Chamber's Agenda for the Hearing on 29-31 October 2007

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. In order to facilitate the preparation for the hearing on 29-31 October 2007 of the Office of the Prosecutor (“prosecution”) and the defence (the “parties”), and of the participants in the proceedings, the Trial Chamber issues this agenda. The hearing on 29 October will commence at 14.00 and will continue on 30 and 31 October at 10.00 as necessary.¹
2. The following subjects were set out in the “Order setting out schedule for submissions and hearings regarding the subjects that require early determination” issued on 5 September 2007:²

E. The role of victims in the proceedings leading up to, and during, the trial.

What should be the modalities of victims’ participation in the proceedings leading up to, and during, the trial.

F. The procedures to be adopted for instructing expert witnesses.

Whether, in order to improve efficiency, it will be feasible for the parties to jointly-instruct expert witnesses or to use common witnesses who will be instructed separately?

G. The approach to be adopted to witness familiarisation and witness proofing.

Whether familiarisation with the ICC procedure could be facilitated for witnesses whom the parties shall call at trial in a neutral manner and the extent, if at all, to which proofing of those witnesses shall be allowed.

¹ See Order amending schedule for hearing, 9 October 2007, ICC-01/04-/01/06-977.

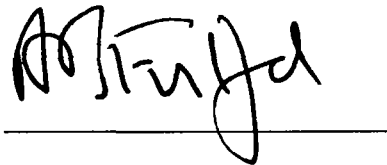
² ICC-01/04-/01/06-947

3. The Trial Chamber lists two additional issues which may conveniently be addressed in the context of the consideration of the role of victims and were mentioned at the last hearing:

- 1) The issue of common legal representation.³
- 2) The criteria for granting victims status in accordance with Rule 85 of the Rules of Procedure and Evidence.⁴

4. The Trial Chamber hereby lists another issue which needs to be dealt with at an early stage and which the parties and participants will be requested to address at the hearing: The place of trial.⁵

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 17 October 2007

At The Hague, The Netherlands

³ See transcript of hearing on 2 October 2007, ICC-01/04-01/06-T-54-ENG, pages 17-18.

⁴ See transcript of hearing on 4 September 2007, ICC-01/04-01/06-T-50-ENG, page 17; transcript of hearing on 2 October 2007, ICC-01/04-01/06-T-54-ENG, pages 27-28.

⁵ Prosecution's Response to the 'Réponse de la Défense à l'invitation de la Chambre de Première instance à présenter des conclusions sur des questions devant être tranchées à un stage précoce de la procédure', 15 August 2007, ICC-01/04-01/06-941, paragraph 11, transcript of hearing on 4 September 2007, ICC-01/04-01/06-T-50-ENG, page 4