

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 15 November 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

**Joint Request of the Prosecution and the Defence to Add a Further Agenda
Item to the Agenda of the Hearing on 20 November 2007**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Representatives of Victims:

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

Background:

1. On 5 September 2007, the Trial Chamber scheduled a Court hearing for 20 November 2007, to discuss the following issues:¹
 - a. The status before the Trial Chamber of the evidence heard by the Pre-Trial Chamber.
 - b. The status of the decisions of the Pre-Trial Chamber in trial proceedings.
 - c. The manner in which evidence shall be submitted subject to Article 64(8)(b) and Rule 140.

The Parties' discussions in respect of practical aspects of the administration of justice :

2. In the context of their disclosure meetings, the Prosecution and the Defence identified a limited number of matters pertaining to the administration of justice that in their common view call for resolution of the Trial Chamber.
3. As a result of these discussions, and with the sole aim to ensure the continued efficiency and smooth running of the Court proceedings, the

¹ Order setting out schedule for submissions and hearings regarding the subjects that require early determination, public, 5 September 2007, ICC-01/04-01/06-947.

Prosecution and the Defence want to use the opportunity of the hearing scheduled for 20 November 2007 to raise these matters with the Trial Chamber.

4. Such matters include the following:

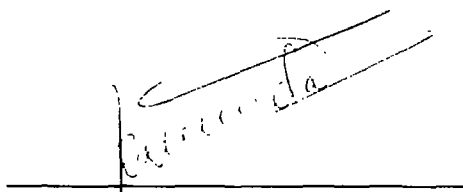
- a. The way in which the Parties should address the Trial Chamber on merely administrative matters : Whether by e-mail messages to the Legal Officer to the Trial Chamber, copied to all Parties and Participants, or by way of filings.²
- b. The way the Trial Chamber wishes the Parties to address the Court during Court sessions.
- c. The scheduling of Court hearings and prior consultation with the Parties.³
- d. The way in which the Parties might be informed by the Trial Chamber about deadlines that need to be shorter than envisaged in the Statute or the Rules.
- e. The way in which the Parties should seek clarification from the Trial Chamber if the transcript of Court sessions appears to be insufficiently clear.

² This issue would include a discussion on what the Trial Chamber considers being of merely administrative nature.

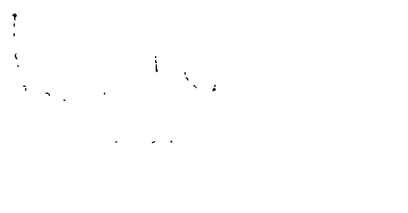
³ This issue is mainly put forward by the Defence.

Request:

5. Accordingly, the Prosecution and the Defence jointly request the Trial Chamber to add to the agenda of the Court hearing of 20 November 2007 the following agenda item : « Practical aspects of the administration of justice. »



Luis Moreno-Ocampo
Prosecutor



Me Catherine Mabilie
Conseil Principal

Dated this 15th day of November 2007

At The Hague, The Netherlands