

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : English

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

Date: 17 January 2008

**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**

**Order scheduling a hearing to deliver an oral decision**

**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. The Trial Chamber is seised of a number of applications from the Office of the Prosecutor ("prosecution") in relation to disclosure: "Prosecution's Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence" dated 12 December 2007;<sup>1</sup> "Prosecution's Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)" dated 13 December 2007;<sup>2</sup> "Prosecution's Application for Lifting of Redactions and Non-Disclosure of Information" dated 14 December 2007;<sup>3</sup> "Prosecution's Provision of Witness Statements and Request to Disclose Summary Evidence further to the "Prosecution's Request for Application for Lifting of Redactions and Non-Disclosure of Information" filed 12 December 2007" dated 19 December 2007;<sup>4</sup> "Prosecution's Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)" filed on 21 December 2007.<sup>5</sup> The defence filed a response to the applications of 12, 13 and 14 December 2007 on 4 January 2008,<sup>6</sup> and to the application of 21 December 2007 on 10 January 2008.<sup>7</sup>
  
2. The Trial Chamber heard oral submissions on the prosecution's applications at a public Status Conference on 10 January 2008.<sup>8</sup> On the same day, the prosecution was heard on specific requests in the applications in an *ex parte* hearing.<sup>9</sup> Further materials and information were requested from the

<sup>1</sup> ICC-01/04-01/06-1081 and Conf-Exp Annexes.

<sup>2</sup> *Ex parte* prosecution only ICC-01/04-01/06-1085-Conf-Exp; public formatted and redacted version, ICC-01/04-01/06-1086.

<sup>3</sup> ICC-01/04-01/06-1087 and Conf-Exp Annexes.

<sup>4</sup> ICC-01/04-01/06-1098.

<sup>5</sup> ICC-01/04-01/06-1102 and Conf-Exp Annexes.

<sup>6</sup> Réponse de la Défense à la "Prosecution's Application for Lifting of Redactions, Non-Disclosure of Information and Disclosure of Summary Evidence", à la "Prosecution's Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)" et à la "Prosecution's Application for Lifting of Redactions and Non-Disclosure of Information", ICC-01/04-01/06-1104.

<sup>7</sup> Réponse de la Défense à la "Prosecution's Application for Non-Disclosure of Information on the Basis of Article 54(3)(f)", ICC-01/04-01/06-1112.

<sup>8</sup> Transcript of hearing on 10 January 2008, ICC-01/04-01/06-T-69-ENG, pages 42-63.

<sup>9</sup> Transcript of hearing on 10 January 2008, ICC-01/04-01/06-T-70-CONF-EXP-ENG.

prosecution and filed on 14 January 2008.<sup>10</sup> In its filing of 14 January 2008, the prosecution requested additional time to submit some of the information requested by the Chamber.<sup>11</sup>

3. The Trial Chamber hereby schedules a hearing to deliver an oral decision on the prosecution's applications on Friday 18 January 2008 at 10.00.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 17 January 2008

At The Hague, The Netherlands

<sup>10</sup> Prosecution's Submission of Statements pursuant to *ex parte* hearing on 10 January 2008, ICC-01/04-01/06-1115-Conf-Exp, and Corrigendum to Prosecution's Submission of Statements pursuant to *ex parte* hearing on 10 January 2008, ICC-01/04-01/06-1115-Conf-Exp.

<sup>11</sup> ICC-01/04-01/06-1115-Conf-Exp, paragraph 39.