



Original: **French**

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

Date: **20 September 2006**

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

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 on the postponement of the confirmation hearing

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Legal Representatives of the Victims

Mr Luc Walley

Mr Franck Mulenda

Counsel for the Defence

Mr Jean Flamme

Pre-Trial Chamber I (“the Chamber”) of the International Criminal Court (“the Court”);

NOTING the Decision on the postponement of the confirmation hearing to 28 September 2006 rendered by Judge Sylvia Steiner on 24 May 2006¹;

NOTING the Prosecutor’s filing of the detailed list of the charges and of the list of evidence on which he intends to rely during the confirmation hearing²;

NOTING the various applications³ and amendments⁴ by the Prosecutor under rule 81 (2) and 81 (4) of the Rules of Procedure and Evidence (“the Rules”), registered in the record between 21 August 2006 and 19 September 2006;

NOTING the Decision on the e-Court protocol for the provision of evidence at the confirmation hearing rendered by Judge Sylvia Steiner on 20 August 2006⁵;

NOTING the Decision on the Prosecution deadline of 12 September 2006 and the Defence deadline of 12 September 2006⁶ rendered by Judge Sylvia Steiner on 8 September 2006 (“the Prosecutor’s urgent application”);

NOTING the Decision rendered by Judge Sylvia Steiner on 18 September 2006 on the postponement of the status conference⁷ initially scheduled for 19 September 2006;

¹ ICC-01/04-01/06-126.

² CC-01/04-01/06-356.

³ ICC-01/04-01/06-341-Conf, ICC-01/04-01/06-347-Conf, ICC-01/04-01/06-357-Conf, ICC-01/04-01/06-358-Conf, ICC-01/04-01/06-363-Conf-Exp, ICC-01/04-01/06-367-Conf-Exp.

⁴ ICC-01/04-01/06-381-Conf, ICC-01/04-01/06-382-Conf, ICC-01/04-01/06-384-Conf, ICC-01/04-01/06-391-Conf-Exp, ICC-01/04-01/06-392-Conf, ICC-01/04-01/06-395-Conf, ICC-01/04-01/06-409-Conf-Exp, ICC-01/04-01/06-410-Conf, ICC-01/04-01-06-431-Conf, ICC-01/04-01/06-434-Conf-Exp.

⁵ CC-01/04-01/06-360.

⁶ ICC-01/04-01/06-407.

⁷ CC-01/04-01/06-440.

NOTING the *Demande urgente relative à l'audience du 28 septembre*⁸ filed today by the Legal Representatives of the Victims;

NOTING the Prosecution's Request to Schedule a Status Conference by 22 September 2006 the latest on the Starting Date of the confirmation Hearing and to Provide Information to the Parties concerning the Conduct of the Confirmation Hearing⁹ filed today by the Prosecutor;

NOTING articles 61, 67 and 68 of the Statute and rules 121 and 122 of the Rules;

CONSIDERING that the Defence received notification of the Prosecutor's detailed list of charges and the list of evidence on 28 August 2006¹⁰;

CONSIDERING that part of the evidence on which the Prosecutor intends to rely at the confirmation hearing is not yet accessible to the defence;

CONSIDERING that the Chamber is of the opinion that the hearing must be postponed to allow the Defence to properly exercise its rights, in particular with regard to its preparation for the confirmation hearing,;

CONSIDERING that in respect of that postponement, a consultation of the parties during the status conference of 26 September is appropriate;

⁸ ICC-01/04-01/06-449-Conf.

⁹ ICC-01/04-01/06-450.

¹⁰CC-01/06-01/04-356.

FOR THESE REASONS

DECIDES to postpone the confirmation hearing to a date to be communicated to the parties;

DECIDES that the purpose of the status conference of 26 September will, *inter alia*, be to consult the parties on the date of the confirmation hearing;

DENIES the *Demande urgente relative à l'audience du 28 septembre* requesting a hearing on 22 September;

INFORMS the participants, according to rule 122 (1) of the Rules, that a hearing on how the confirmation hearing is to be conducted will be organised in the near future.

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

Judge Claude Jorda
Presiding Judge

Judge Akua Kuenyehia

Judge Sylvia Steiner

Dated this Wednesday 20 September 2006

At The Hague

The Netherlands