

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

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

Date: **16 August 2006**

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Single Judge

Registrar: Mr Bruno Cathala

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

Public Document

URGENT

**Decision on the Defence and Prosecution Applications for Extension of
Deadline**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Counsel for the Defence

Mr Jean Flamme

Ms Véronique Pandanzyla

Legal Representatives for Victims

a/0001/06 to a/0003/06

Mr Luc Walley

Mr Franck Mulenda

I, **Claude Jorda**, judge at the International Criminal Court (“the Court”);

NOTING the “Decision authorising the Prosecutor and the Defence to submit observations on the applications of applicants a/0004/06 to a/0009/06, a/0016/06 to a/0046/06 and a/0047/06 to a/0052/06 in the case of *The Prosecutor v. Thomas Lubanga Dyilo*”¹ (“the Decision”) rendered on 4 August 2006 by Judge Sylvia Steiner, acting as single judge in Pre-Trial Chamber I (“the Chamber”);

NOTING the “Request for Access to the Unredacted Versions of the Applications of Applicants a/0004/06 to a/0009/06, a/0016/06 to a/0046/06 et a/0047/06 to a/0052/06, and for an Extension of Time”² (“the Request”) filed by the Defence on 14 August 2006 asking (i) if leave to appeal the decision of 28 July 2006 is granted, to stay the proceedings *vis à vis* the applications of a/0004/06 to a/0009/06, a/0016/06 to a/0046/06 and a/0047/06 to a/0052/06 ; or, in the alternative, if leave to appeal the decision of 28 July 2006 is not granted, (ii) to order the Registry to provide the Defence with the unredacted versions of the applications; and (iii) to order that the deadline for responding to these applications shall not commence to run for the Defence until after the confirmation hearing;

NOTING the “Prosecution’s Request for an extension of a deadline”³ filed by the Prosecution on 16 August 2006 requesting the extension of the deadline by one week in order to respond to the applications for participation of applicants a/0047/06 to a/0052/06;

1 ICC-01/04-01/06-270

2 ICC-01/04-01/06-328.

3 ICC-01/04-01/06-333-Conf-Exp.

NOTING the “Decision on the Temporary Substitution of the Single Judge”⁴ rendered by the Chamber on 11 August 2006, temporarily appointing judge Claude Jorda as single judge in the case of Thomas Lubanga Dyilo and making him responsible for exercising the functions of the Chamber in this case pursuant to 57 (2) of the Rome Statute (“the Statute”), in particular those set out in rule 121 (2) (b) of the Rules of Procedure and Evidence (“the Rules”);

NOTING articles 57 (3) (c) and 68 (1) of the Statute, rule 89 (1) of the Rules and regulation 35 of the Regulations of the Court;

CONSIDERING that during the process of applications for participation, the protection of applicants requires communication to the Defence of the redacted versions of the said applications for participation;

CONSIDERING that the redacted versions disclosed to the Defence provide the Defence with sufficient information for it to make submissions on the question of whether the applicants may be granted the status of victim;

CONSIDERING that, although the Decision was rendered on 4 August 2006, the Defence received the redacted versions of the forty-three applications for participation only on 9 August 2006, and the Prosecution received the forty-three applications for participation only on 8 August 2006, thus reducing the deadline for submitting their observations;

⁴ ICC-01/04-01/06-321.

FOR THESE REASONS

DENY the Defence application to be provided with the unredacted versions of the applications for participation of applicants a/0004/06 to a/0009/06, a/0016/06 to a/0046/06 and a/0047/06 to a/0052/06;

GRANT the applications for extension of deadline and authorise the Defence and the Prosecution to submit their observations on the applications for participation of applicants a/0004/06 to a/0009/06, a/0016/06 to a/0046/06 and a/0047/06 to a/0052/06 on Friday 25 August 2006 at 1600 hours at the latest.

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

Judge Claude Jorda
Single Judge

Done this Wednesday 16 August 2006

At The Hague, The Netherlands