

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 1 November 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

Decision convening a hearing on Friday 3 November 2006

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf

**Legal Representatives of Victims
a/0001/06 to a/0003/06 and a/105/06**

Mr Luc Walley
Mr Franck Mulenda
Me Carine Bapita Buyangandu

Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla

Office Public for the Defence

Ms Melinda Taylor

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

NOTING the Final Decision on the e-court protocol for the provision of evidence, material and witness information in electronic version (“Final decision on the e-court protocol”), issued by the single judge on 28 August 2006;¹

NOTING the “Décision sur la demande de prolongation de délai” issued by the single judge on 25 October 2006;²

NOTING the Status Conference held by the Chamber on 26 October 2006;³

NOTING the Decision concerning the Prosecution Information on the Proofing of a Witness, issued by the single judge on 30 October 2006;⁴

NOTING the “Prosecution’s Request for a Hearing on an Expedited Basis on the Proofing of a Witness”, filed by the Prosecution on 31 October 2006;⁵

NOTING articles 57-3-c and 61 of the Rome Statute (“the Statute”), rules 78 and 122 of Rules of Procedure and Evidence (“the Rules”);

CONSIDERING that in the Decision concerning the Proofing of a witness by the Prosecution, the single judge requested the Prosecution to elaborate by Wednesday 1 November 2006 on the content of what it means by the expression “proofing of a

¹ ICC-01/04-01/06-360.

² ICC-01/04-01/06-613-Conf.

³ ICC-01-04-01-06-T-26-EN ; ICC-01-04-01-06-T-27-CONF-27.

⁴ ICC-01/04-01/06-630-Conf-Corr.

⁵ ICC-01/04-01/06-632-Conf.

witness” and the specific conditions under which the Prosecution wishes to undertake the proofing of the witness;

CONSIDERING further that the Defence has until Friday 3 November 2006 to file a written response to the aforesaid submissions of the Prosecution;

CONSIDERING that an expedited Court hearing before receiving the written observations of the Prosecution and the Defence does not appear to be necessary;

CONSIDERING that the Chamber considers it necessary to hear the participants on the calendar to be followed during the confirmation hearing and other matters which are related;

FOR THESE REASONS

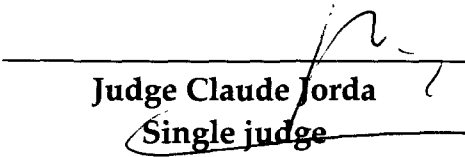
REJECT the Prosecution’s Request for a Hearing on an Expedited Basis on the Proofing of a Witness;

DECIDE to convene a public hearing on Friday 3 November at 9.30 am with the Prosecution, the Defence, the Legal Representatives of victims, in the presence of the Registrar or his Representatives, and the Victims and Witnesses Unit;

DECIDE that the agenda of the aforesaid hearing shall be as follows:

- i) Issues related to witness protection and in particular the necessity of using pseudonyms during the confirmation hearing;
- ii) Issues related to the grouping of evidence that has to be presented in public or closed sessions;
- iii) Issues related to the filing of the additional evidence by the Defence if any and in particular the inspection by the Prosecution pursuant to rule 78 of the Rules;
- iv) The access to the detention center by the Defence Team during week-ends;
- v) Issues related to the filing of the electronic version for the provision of evidence, material and witness information according to the Final decision on the e-court protocol;
- vi) Any other matters.

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



Judge Claude Jorda
Single judge

Dated this Wednesday 1 November 2006

At The Hague