

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 7 November 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 concerning list of issues on jurisdiction, admissibility or proper conduct
of the proceedings**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Legal Representatives for Victims

a/0001/06 to a/0003/06 and a/0105/06

Mr Luc Walley

Mr Franch Mulenda

Ms Carine Bapita Buyangandu

Counsel for the Defence

Mr Jean Flamme

Ms Véronique Pandanzyla

**Office of Public Counsel for the
Defence**

Ms Melinda Taylor

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court” respectively);

NOTING the Defence submission at the status conference held on 26 October 2006 in the sense that sufficient time should be allocated for the discussion of any issue of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing which might be raised pursuant to rules 122 (2) and (3) of the Rules;

NOTING the Prosecution submission at the status conference held on 3 November 2006 in the sense that the one hour and half allocated in the proposed schedule for the confirmation hearing is likely to be insufficient to deal with the issues of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing that the Prosecution or the Defence might raise pursuant to rules 122 (2) and (3) of the Rules;

NOTING rule 122 of the Rules of Procedure and Evidence;

CONSIDERING that both the Prosecution and the Defence have advised the Chamber that, due to the issues that shall likely be raised pursuant to rule 122 (2) and (3) of the Rules, the discussion on such issues will require the allocation of more time than the hour and a half provided for in the schedule proposed by the Chamber;

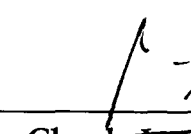
CONSIDERING, therefore, that in order to properly determine pursuant to rule 122 (1) of the Rules how the hearing is to be conducted during the first two days of the confirmation hearing, it is necessary to obtain, prior to the commencement of the hearing, the list of those issues of jurisdiction, admissibility or concerning the proper

conduct of the proceedings leading to the confirmation hearing that Prosecution and Defence intend to raise pursuant to rules 122 (2) and (3) of the Rules;

FOR THESE REASONS,

REQUESTS the Prosecution and the Defence to file by Wednesday 8 November 2006 at 14h00 the list of those issues of jurisdiction, admissibility or concerning the proper conduct of the proceedings prior to the confirmation hearing that they intend to raise pursuant to rules 122 (2) and (3) of the Rules;

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



Judge Claude Jorda
Presiding Judge



Judge Akua Kuenyehia



Judge Sylvia Steiner

Dated this Tuesday 7 November 2006

At The Hague

The Netherlands