

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 8 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 on the Defence Request to Postpone the Confirmation Hearing

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**

Mr Luc Walley

Mr Franch Mulenda

Office of Public Counsel for Victims

Ms Paolina Massida

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 «Requête de report de l’audience de confirmation des charges» (« the Defence Request »), filed by the Defence on 8 November 2006, in which, on the basis of a number of issues related to the proper conduct of the proceedings prior to the confirmation hearing, the Defence request (i) the suspension of the confirmation hearing scheduled for 9 November 2006; and (ii) the postponement of the confirmation hearing pursuant to rule 122 (7) of the Rules;

NOTING the “Decision on the schedule and conduct of the confirmation hearing” (“the Decision”), issued by the single judge on 7 November 2006;

NOTING rule 122 of the Rules of Procedure and Evidence (“the Rules”);

CONSIDERING that the Defence Request is based on a number of issues concerning the proper conduct of the proceedings leading to the confirmation hearing; and that, according to rule 122 (3) of the Rules and Annex I to the Decision, the Defence shall have the opportunity to address and discuss such issues during the sessions scheduled for 9 and 10 November 2006;

FOR THESE REASONS

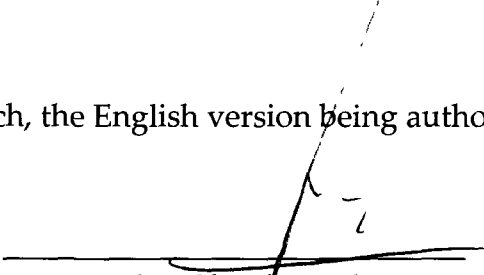
DECIDES that the confirmation hearing shall start, as currently scheduled, on 9 November 2006 at 9.30 hours.

DECIDES that:

- (i) pursuant to rule 122 (2) and (3) of the Rules, the Prosecution and the Defence shall have in the time allocated to them for 9 November 2006 as provided for in Annex I to the Decision the opportunity to:
 - i. to raise a question or make a challenge concerning jurisdiction or admissibility;
 - ii. to raise objections or make observations concerning issues related to the proper conduct of the proceedings leading to the confirmation hearing;
- (ii) pursuant to rule 122 (4) of the Rules, at no subsequent time during the confirmation hearing may the Prosecution and the Defence raise objections or observations related to the proper conduct of the proceedings leading to the confirmation hearing;
- (iii) pursuant to Annex I to the Decision, a discussion on the questions, challenges, objections and issues raised by the Prosecution and the Defence pursuant to rule 122 (2) and (3) of the Rules on 9 November

2006 shall take place in the morning session scheduled for Friday 10
December 2006.

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



Judge Claude Jorda
Presiding Judge



Judge Akua Kuenyehia



Judge Sylvia Steiner

Dated this Wednesday 8 November 2006

At The Hague, The Netherlands