

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/04-01/06

Date: 2 August 2006

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, 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 on the Defence Request to File a Reply to the Prosecution's Response to the «Conclusion de la défense quant aux divulgations des documents expurgées par le Procureur »**

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo, Prosecutor  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr Ekkehard Withopf, Senior Trial Lawyer

**Counsel for the Defence**

Mr Jean Flamme  
Ms Véronique Pandanzyla

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

Mr Luc Walley  
Mr Franck Mulenda

**Office of Public Counsel for the Defence**

Ms Melinda Taylor

**I, Judge Sylvia Steiner**, judge at the International Criminal Court (“the Court”);

**NOTING** the « Conclusions de la défense quant aux divulgations de documents expurgés faites par le Procureur » (« the Defence Conclusions »),<sup>1</sup> filed by the Defence on 24 July 2006;

**NOTING** the « Prosecution’s Response to Conclusions de la défense quant aux divulgations de documents expurgées par el Procureur » (« the Prosecution Response »), filed by the Prosecution on 28 July 2006 ;

**NOTING** the “Request to file a Reply to the Prosecution’s Response to Conclusion de la défense quant aux divulgations de documents expurgées par le Procureur” (« the Defence Request »), in which the Defence requests (i) leave to reply to the Prosecution Response, and, if leave is granted, (ii) to extend the deadline for the Defence reply until 20 August 2006 or, in the alternative, to order that the deadline for the reply shall run from the date on which the Office of Public Counsel for the Defence on behalf of the Lead Counsel document was notified of the document;

**NOTING** regulations 24 (5) and 34 of the Regulations of the Court (“the Regulations”);

**CONSIDERING** the potential impact of the issue dealt with in the Defence Conclusions and the Prosecution Response on the ongoing process of disclosure of incriminating evidence and potentially exculpatory materials;

---

<sup>1</sup> ICC-01/04-01/06-203.

**CONSIDERING** further that, according to the *chapeau* of regulation 34 of the Regulations, the single judge may establish a time-limit other than the 10-day time limit provided for in regulation 34 (c) of the Regulations;

**FOR THESE REASONS,**

**DECIDE** to grant the Defence leave to reply to the Prosecution Response;

**DECIDE** that the Defence shall file its reply by 15 August 2006 at 16.00 hours;

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



**Judge Sylvia Steiner**  
**Single Judge**

Dated this Wednesday 2 August 2006

At The Hague

The Netherlands