



Original : English

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

Date: 18 July 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

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

Public

Request for submissions on the subjects that require early determination

Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy

Prosecutor

Mr Ekkehard Withopf, Senior Trial

Lawyer

Counsel for the Defence

Ms Catherine Mabilie

Legal Representatives of Victims

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

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Introduction

1. In order to facilitate the efficient preparation of the trial of Mr Thomas Lubanga Dyilo, pursuant to Article 64 of the Statute, the judges of the Trial Chamber set out hereafter preliminary proposals as to the subjects that require early determination, together with suggested dates for the filing of submissions on those issues and any hearings. We stress that these are only provisional proposals and invite submissions – in the first instance in writing – on the list of issues, the dates for filing submissions and the timetable for hearings.
2. We strongly encourage the parties to consult and to achieve consensus between themselves on these proposals as framed or on any alternatives they may agree upon.
3. A hearing shall be held on 4 September 2007 at 10.00 in order to ascertain areas of agreement and to hear the parties' and participants' submissions where agreement has not been achieved or where the judges are not persuaded by any of the agreed proposals, and thereafter to issue directions as to the agenda and the timetable.
4. This list is not intended to be exhaustive of all of the matters that require determination before the commencement of the trial, nor is any hierarchy of importance implied by the order in which the issues are listed. Instead we are seeking to establish those matters which require early resolution.
5. The Registrar is directed to inform those victims who have requested to participate in the proceedings of this timetable. Without prejudice to any later submissions and determination as regards participation in these proceedings, only those victims who were granted victim status before the Pre-Trial Chamber may participate at this hearing.

The preliminary list of issues and the timeline

6. **Written submissions to be filed by: 17 August 2007**

Hearing date: 11 September 2007

On the following issues:

- A. The date of the trial.

The earliest date by which the parties shall be ready for the trial to commence, the volume of evidence to be relied upon by the prosecution and the anticipated

number of witnesses to be called by them during the trial.

- B. The languages to be used in the proceedings.
Whether interpretation into languages other than English and French will be required for some or all of the proceedings.
- C. The timing and the manner of disclosure of the evidence the prosecution seek to rely on to the other party, any participants, and to the Chamber, and all other disclosure issues.
- D. An e-court protocol.
Whether the "Technical Protocol for the Submission of Evidence, Material and Witness Information in Electronic Version for Their Presentation During the Confirmation Hearing" should be adopted, or amended, for use in the trial proceedings.

7. Written submissions to be filed by: 31 August 2007

Hearing date: 25 September 2007

On the following issues:

- E. The role of victims in the proceedings in the period leading up to the commencement of the trial.¹
What should be the modalities of victims' participation in the proceedings leading up to the trial.
- F. The procedures to be adopted for instructing expert witnesses.
Whether, in order to improve efficiency, it will be feasible for the parties to jointly-instruct expert witnesses or, at the very least, to use common witnesses who will be instructed separately.
- G. The approach to be adopted to witness familiarisation and witness proofing.
Whether familiarisation with the ICC procedure could be facilitated for witnesses whom the parties shall call at trial in a neutral manner and the extent, if at all, to which proofing of those witnesses shall be allowed.

8. Written submissions to be filed by: 21 September 2007

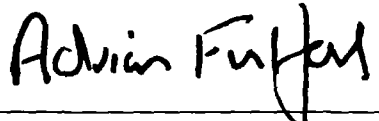
Hearing date: 17 October 2007

¹ A separate topic for later consideration will be the role of victims during the trial.

On the following issues:

- H. The status before the Trial Chamber of the evidence heard by the Pre-Trial Chamber.
- I. The status of the decisions of the Pre-Trial Chamber in trial proceedings.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 18 July 2007

At The Hague, The Netherlands