

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 19 April 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Claude Jorda
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

Appointment of Duty Counsel

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer
Mr Fabricio Guariglia, Senior Appeals
Lawyer

**Counsels for the Victims a/0001/06 to
a/0003/06 and a/0105/06**

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

M. Thomas Lubanga Dyilo

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

NOTING the “Application for Leave to Appeal Pre-Trial Chamber I’s 29 January 2007 “*Décision sur la confirmation des charges*”¹ (“the Prosecution Request”) filed by the Prosecution on 5 February 2007;

NOTING the “Request for Leave to Appeal the Pre-Trial Chamber’s ‘*Décision sur la confirmation des charges*’ of 29 January 2007”² (“the Defence Request”) filed by the Defence on 5 February 2007;

NOTING the “Decision on the application for leave to withdraw submitted by counsel for the Defence”³ issued by the Chamber on 27 February 2007, whereby the Chamber suspends “the time limit for the Defence response to the Prosecutor’s request until a new Counsel for the Defence is assigned”;

NOTING the “*Désignation de Maître Catherine Mabilille comme conseil de la défense de M. Thomas Lubanga Dyilo*”⁴ filed by the Victims and Counsels Division on 20 March 2007;

NOTING the “*Enregistrement au dossier de correspondances entre Maître Mabilille et le Greffe*”⁵ filed on 23 March 2007 by the by the Victims and Counsels Division;

¹ ICC-01/04-01/06-806

² ICC-01/04-01/06-807 – Conf. The Defence filed a public document following a decision of the Chamber namely ICC-01/04-01/06-836-Anx

³ ICC-01/04-01/06-833-Conf-tEN

⁴ ICC-01/04-01/06-847

⁵ ICC-01/04-01/06-849-Conf-Exp and ICC-01/04-01/06-849-Conf-Exp-AnxA and AnxB

NOTING the "Clarification"⁶ filed by Thomas Lubanga Dyilo on 3 April 2007 whereby he requests that the Chamber suspend again all proceedings which could influence or affect the rights of the Defence until the effective appointment of a Counsel;

NOTING the "Decision on the request of Thomas Lubanga Dyilo to suspend the proceedings"⁷ issued by the Chamber on 5 April 2007, whereby the Chamber decides to suspend the pre-trial proceedings in relation to the Requests for Leave to Appeal on the Decision Confirming the Charges until otherwise decided by the Chamber;

NOTING the article 67 (1) (d) of the Rome Statute ("the Statute"), rule 22 of the Rules of Procedure and Evidence ("the Rules"), regulations 24, 73 and 75 of the Regulations of the Court ("the Regulations");

CONSIDERING that both the Prosecution and Defence, on 5 February 2007, have requested leave to appeal to the "Decision on the Confirmation of Charges", issued on 29 January 2007; that the Defence should have the opportunity to respond to the Prosecution's Request for leave to appeal;

CONSIDERING that the proceedings should be conducted expeditiously and without undue delays; and that a proper Response to the Prosecution Request can be filed by a Duty Counsel, appointed in accordance with regulation 73 (2) of the Regulations, without any prejudice to the rights of the Defence;

⁶ ICC-01/04-01/06-859

⁷ ICC-01/04-01/06-862.


FOR THESE REASONS

ORDERS the Registrar or his representatives to appoint a duty counsel for Thomas Lubanga Dyilo pursuant to regulation 73 (2) of the Regulations;


DECIDES that the mandate of the Duty Counsel shall be limited to the sole purpose of responding to the Prosecution Request;

ORDERS the Duty Counsel to submit his or her response on the Prosecution Request within 15 days from his or her appointment.

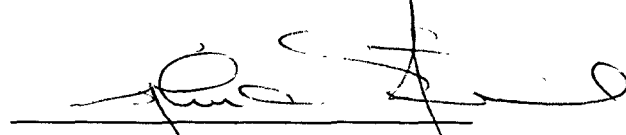
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Claude Jorda



Judge Sylvia Steiner

Dated this Thursday 19 April 2007

At The Hague

The Netherlands