



Original: **French**

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

Date: **5 June 2007**

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 application for additional means under regulation 83(3) of the
Regulations of the Court and on the applications to intervene as *amici curiae* under
rule 103 of the *Rules of Procedure and Evidence***

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf

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

Thomas Lubanga Dyilo

Other representatives

L'Ordre des Avocats de Paris
Mr Yves Repiquet, President of the Bar

The International Criminal Bar

Ms Virginia Lindsay

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

NOTING the “Registration in the record of the ‘Application for additional means under regulation 83(3) of the *Regulations of the Court*’”,¹ filed by Thomas Lubanga Dyilo on 3 May 2007;

NOTING the “*Demande d’intervention sur ‘Demande de ressources additionnelles en vertu de la Norme 83(3) du Règlement de la Cour’ déposée devant le Greffe en date du 3 mai 2007*”² (“Thomas Lubanga Dyilo’s request”), filed by Thomas Lubanga Dyilo on 25 May 2007;

NOTING the “*Demande d’intervention, à titre d’amicus curiae, de l’Ordre des Avocats de Paris (règle 103 du Règlement de Procédure et de Preuve)*”³ (“Request of the *Ordre des Avocats de Paris*”), filed by the *Ordre des Avocats de Paris* on 30 May 2007;

NOTING the motion and proposed amicus brief pursuant to rule 103 of the ICC *Rules of Procedure and Evidence*, from the International Criminal Bar⁴ (“Motion of the International Criminal Bar”), filed by the representative of the International Criminal Bar on 4 June 2007;

NOTING the decision confirming the charges against Thomas Lubanga Dyilo,⁵ rendered by Pre-Trial Chamber I (“the Chamber”) on 29 January 2007, whereby the Chamber committed Thomas Lubanga Dyilo to trial before a Trial Chamber on the

¹ ICC-01/04-01/06-877-Conf-Exp and Anxs A-1.

² ICC-01/04-01/06-916 and Anx 1-3.

³ ICC-01/04-01/06-917.

⁴ ICC-01/04-01/06-918 and Anx.

⁵ ICC-01/04-01/06-796-Conf and Conf-Anx1 and Conf-Exp-Anx2-3.

charges as confirmed and transmitted the decision and the record of the proceedings in the instant case to the Presidency pursuant to rule 129 of the Rules;

NOTING the “*Transmission à la Présidence de la décision sur la confirmation des charges et du dossier de la procédure*”, filed by the Registrar on 14 February 2007;⁶

NOTING the *Decision constituting Trial Chamber I and referring to it the case of The Prosecutor v. Thomas Lubanga Dyilo*,⁷ rendered by the Presidency on 6 March 2007, whereby the Presidency referred the case of *The Prosecutor v. Thomas Lubanga Dyilo* to Trial Chamber I pursuant to rule 130 of the Rules and decided to suspend the transmission of the record of the proceedings until such time as a counsel for the defence is appointed and has familiarised himself or herself with the record of the case;

NOTING the decision on the applications for leave to appeal the *Decision on the confirmation of charges* rendered by the Chamber on 24 May 2007;⁸

NOTING article 61 of the Rome Statute (“the Statute”) and rules 129 and 130 of the Rules;

CONSIDERING that the Chamber has ruled on the Prosecution and Defence applications for leave to appeal the decision confirming the charges against Thomas Lubanga Dyilo;

⁶ ICC-01/04-01/06-822-Corr.

⁷ ICC-01/04-01/06-842.

⁸ ICC-01/04-01/06-915.

CONSIDERING therefore that the Chamber is no longer seized of any matter in the instant case;

CONSIDERING, also, that pursuant to article 61(11) of the Statute, the Trial Chamber shall be responsible for the conduct of subsequent proceedings and may exercise any function of the Pre-Trial Chamber that is relevant and capable of application in those proceedings;

FOR THESE REASONS,

DECIDE that the Chamber has no jurisdiction to rule on the present requests;

DECIDE that the Chamber is no longer seized of any matter in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.

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

[signature]

Judge Sylvia Steiner
Single Judge

Dated this Tuesday 5 June 2007

At The Hague, The Netherlands