

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 5 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

Decision on the request of Thomas Lubanga Dyilo to suspend the proceedings

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

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 “Decision on the application for leave to withdraw submitted by counsel for the Defence”² 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 Mabilie comme conseil de la défense de M. Thomas Lubanga Dyilo*”³ filed by the Victims and Counsels Division on 20 March 2007;

NOTING the “*Enregistrement au dossier de correspondances entre Maître Mabilie et le Greffe*”⁴ filed on 23 March 2007 by the by the Victims and Counsels Division;

NOTING the “*Clarification*”⁵ filed by Thomas Lubanga Dyilo on 3 April 2007 whereby he requests that the Chamber suspend again all procedure which could influence or affect the rights of the Defence until the effective appointment of a Counsel;

¹ ICC-01/04-01/06-806

² ICC-01/04-01/06-833-Conf-tEN

³ ICC-01/04-01/06-847

⁴ ICC-01/04-01/06-849-Conf-Exp and ICC-01/04-01/06-849-Conf-Exp-AnxA and AnxB

⁵ ICC-01/04-01/06-859


NOTING the article 67 (1) (d) of the Rome Statute ("the Statute");

CONSIDERING that Ms Catherine Mabilie has been designated as Defence Counsel by Thomas Lubanga Dyilo on 20 March 2007 and that Ms Mabilie still has not accepted the said position;

FOR THESE REASONS

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.

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 5 April 2007

At The Hague

The Netherlands