

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

N°.: ICC-01/04-01/06

Date: 20 March 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
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

Solemn undertaking of Mr Jean Flamme, Duty Counsel for Mr Thomas Lubanga Dyilo

The Office of the Prosecutor
Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Duty Counsel for Mr Thomas Lubanga Dyilo
Mr Jean Flamme

In accordance with articles 5 and 22(3) of the *Code of Professional Conduct for counsel* please find attached the following documents:

1. Solemn undertaking of Mr Jean Flamme in accordance with article 5 of the *Code of Professional Conduct for counsel*;
2. Undertaking signed by Mr Jean Flamme in accordance with article 22(3) of the *Code of Professional Conduct for counsel*.

[signed]

Didier Preira
Head, Division of Victims and Counsel

Dated 20 March 2006

At The Hague

**Cour
Pénale
Internationale**



**International
Criminal
Court**

I, the undersignedJean FLAMME..... .., solemnly declare that I will perform my duties and exercise my mission before the International Criminal Court with integrity and diligence, honourably, freely, independently and conscientiously, and that I will scrupulously respect professional secrecy and the other duties imposed by the *Code of Professional Conduct for counsel* before the International Criminal Court.

Done at THE HAGUE, THE NETHERLANDS, this 20th day of MARCH 2006.

[signed]

(Signature)

Signed in the presence of the Registrar or his representative:

[signed]

(Signature)

Official Court Translation

No. ICC-01/04-01/06

3/7

20 March 2006

**Cour
Pénale
Internationale**

Le Greffe



**International
Criminal
Court**

The Registry

**UNDERTAKING OF COUNSEL
AS REQUIRED UNDER ARTICLE 22.3 OF THE
CODE OF PROFESSIONAL CONDUCT FOR COUNSEL**

UNDERTAKING OF COUNSEL

PURSUANT TO ARTICLE 22.3 OF THE *CODE OF PROFESSIONAL CONDUCT FOR COUNSEL*

“Undertaking of Counsel”

THE PROSECUTOR *v.* THOMAS LUBANGA DYILO

TO: THE REGISTRAR OF THE INTERNATIONAL CRIMINAL COURT

I*Jean FLAMME*..... of....., duty counsel for **Mr Thomas Lubanga Dyilo** (“Client”), whose legal assistance is paid by the Court,

HEREBY AGREE TO BE BOUND by the provisions of Article 22 of the *Code of Professional Conduct for counsel* (“Code”), and

UNDERTAKE as follows:

I will not accept remuneration for fees in cash or in kind from any other source other than the Registry of the Court having accepted the appointment to represent the above named client who is entitled to ‘legal assistance’ pursuant to Chapter 4, Section 4 of the Regulations of the Court;

I will neither transfer nor lend all or part of the fees received for representation of the client or any other assets or monies to the client, his/her relatives, acquaintances, or any other third person or organization in relation to which the client has a personal interest, and

If requested, induced or encouraged by the client to violate the obligations of Article 22 of the Code, I will advise the client accordingly of the prohibition against such conduct.

I ACKNOWLEDGE that breach of this Undertaking and the obligations imposed on me as counsel by Article 22 of the Code will constitute “misconduct” for the purposes of Article 31 of the Code, and is subject to a disciplinary procedure pursuant to the Code, which may lead:

1. to a permanent ban on practicing before the Court, and

2. being struck off the list of counsel, with transmission to the national authority where I hold professional membership.

I HAVE READ AND FULLY UNDERSTAND this Undertaking of Counsel and Article 22 of the Code (*a copy of which is reproduced overleaf*), and I am fully aware of the conditions stipulated in the Article, including the consequences for breach of the provision.

DATED at **THE HAGUE, THE NETHERLANDS**, this 20th day of **MARCH** 2006

[signed]

Signature of Counsel

[signed]

In presence of the Registrar or his representative

Article 22 of the Code

Remuneration of Counsel in the framework of legal assistance

1. The fees of counsel where his or her client benefits from legal assistance shall be paid exclusively by the Registry of the Court. Counsel shall not accept remuneration in cash or in kind from any other source.
2. Counsel shall neither transfer or lend all or part of the fees received for representation of a client or any other assets or monies to a client, his or her relatives, acquaintances, or any other third person or organization in relation to which the client has a personal interest.
3. Counsel shall sign an undertaking to respect the obligations under this article when accepting the appointment to provide legal assistance. The signed undertaking shall be sent to the Registry.
4. Where the counsel is requested, induced or encouraged to violate the obligations under this article, counsel shall advise the client of the prohibition of such conduct.
5. Breach of any obligations under this article by Counsel shall amount to misconduct and shall be subject to a disciplinary procedure pursuant to this Code. This may lead to a permanent ban on practicing before the Court and being struck off the list of counsel, with transmission to the respective national authority.