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

Date: 6 June 2007

TRIAL CHAMBER I

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

Registrar: Mr Bruno Cathala

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

Public Document

**Registration in the record of correspondence between Mr Thomas Lubanga Dyilo
and the Head of the Division of Court Services**

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withop

Mr Thomas Lubanga Dyilo

Marc Dubuisson, Head, Division of Court Services

Cc: Pre-Trial Chamber I

Dear Mr Dubuisson,

It is my understanding that it is the Registry's duty to ensure the effectiveness of judicial decisions, in particular by first notifying the participants in the proceedings of such decisions.

I therefore have the honour to request the Registry's guidance and assistance in ensuring the effectiveness of the Pre-Trial Chamber's decision of 4 August 2006 and of the notification procedure for all applications and decisions registered in the record of my case, in accordance with regulation 31 of the *Regulations of the Court*, especially given that on 21 May 2007, in accordance with rule 21(4) of the *Rules of Procedure and Evidence*, I informed Chambers and the Registry that I wished to represent myself until such time as the competent Chamber issues its decision on the appeal filed by myself against the Registrar's decision of 14 May 2007 concerning my application for additional means.

The Registrar considers that it is important to direct the Applicant to comply with the texts and established procedures at all phases of proceedings before the Court.¹

I would recall that I have always made every effort to meet the requirements of the Court and to comply with the documents and procedures. For as long as I remain in pre-trial detention I will therefore apply myself to ensuring that procedures are conducted with the utmost diligence.

¹ ICC-01/04-01/06-907-Conf-Exp 16-05-2007, p. 9, para. 5.

Today, I would again note that despite numerous requests on my part, I have received no appropriate assistance from the Registry pursuant to regulation 119(2) of the *Regulations of the Registry*.

With regard to the decision of 4 August 2006 moreover, the Single Judge considered and ruled that: “Thomas Lubanga Dyilo would greatly benefit from the permanent assistance of a French interpreter in order to facilitate his adequate knowledge of the evidentiary materials and procedural documents filed by the Prosecution, as well as his proper understanding of the decisions and orders of the Chamber pending their official written translations”.²

In addition, the Single Judge had ordered the Registry to “have permanently available and free of any cost, a French interpreter to assist Thomas Lubanga Dyilo and the Defence team for the purpose of the confirmation hearing with documents of the case which are available only in English”.³

I have been informed that one of the legal assistants on my defence team, Ms Pandanzyla, submitted a translation request for a number of documents on 16 November 2006.⁴

She was expressly requested to resubmit her request specifying deadlines for the translations, which she did.

On 23 March 2007, Ms Pandanzyla was informed by the Head of the Translation Section that her translation request had been suspended following the Decision on

² Decision on the Requests of the Defence of 3 and 4 July 2006, 4 August 2006 page 7, http://www.icc-cpi.int/library/cases/ICC-01-04-01-06-268_English.pdf

³ Ibid., page 8.

⁴ To spare the translation section needless effort and to avoid duplication, the Defence team had first to consult the Office of the Prosecutor to ascertain whether French translations had already been done by them, before submitting each translation request.

the Confirmation of Charges, and that any questions on the matter should be addressed to Court Management.⁵

I would observe that the above stance taken by the Registry is contrary to that of the Defence Support Section, which considers that all decisions taken during the pre-trial phase shall apply until the first status conference before the Trial Chamber.

I would observe that, notwithstanding the effectiveness of the aforementioned decision of 4 August 2006, article 67(1)(f) of the Statute confirms my right to such translations, in order to comply with the right to a fair trial.

Numerous decisions fundamental to my rights however are to this day being issued in English, without being notified to me. If I am to conduct my defence as best possible and in compliance with the texts and procedures, since I alone at present am assuming responsibility for the initiatives taken in respect of this case, I shall need to understand and have full awareness of the meaning of the procedures and decisions which continue to take their course. The translation of these documents is crucial to understanding the foundation and substance of the decision confirming the charges against me, and to envisaging a defence strategy for the trial phase.

I am, therefore, first and foremost, concerned about this suspension of the translations which has a direct impact on the strategy my future defence team might wish to adopt for the coming trial phase.

Accordingly, I remain convinced that it is imperative that I be notified of all written submissions and decisions directly and without delay and that a French interpreter be made available to me to translate them where necessary.

⁵ See attached confidential ex parte annexes A, B, and C for this correspondence.

Please realise how much I will appreciate your full attention and consideration of the present requests.

Respectfully yours,

[*signed*]

Thomas Lubanga Dyilo

Dated this 6 June 2007

At The Hague