

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/04-01/06
Date: 14 November 2007

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
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 Motion by Former Counsel for Leave to File Written Corrigenda to
Oral Arguments**

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

Counsel for the Defence
Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers

Counsel for the Victims
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Former Counsel for the Defence
Mr Jean Flamme

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

NOTING the hearing on the confirmation of charges held from 9 to 28 November 2006;

NOTING the “Decision on the confirmation of charges” issued by the Chamber on 29 January 2007;¹

NOTING the “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” issued by the Chamber on 5 June 2007, in which the Chamber decided that it was no longer seized of any matter in the case of *The Prosecutor v. Thomas Lubanga Dyilo*;²

NOTING the “Motion by former Counsel for leave to file written corrigenda to oral arguments” filed in the record of the case of *The Prosecutor v. Thomas Lubanga Dyilo* before Trial Chamber I on 13 September 2007;³

NOTING the “Decision on the ‘Motion by former counsel for leave to file written corrigenda to oral arguments’”⁴ in which Trial Chamber I decided on 12 October 2007 that it was not competent to consider the motion and dismissed it, because “the oral submissions which [were] sought to be corrected were made by former Counsel during the hearing on the confirmation of charges before Pre-Trial Chamber I”;⁵

¹ ICC-01/04-01/06-803

² ICC-01/04-01/06-919.

³ ICC-01/04-01/06-958.

⁴ ICC-01/04-01/06-980.

⁵ ICC-01/04-01/06-980, para. 3.

NOTING the “Motion by former counsel to file written corrigenda to oral arguments”⁶ filed in the record of the case of *The Prosecutor v. Thomas Lubanga Dyilo* on 30 October 2007 before Pre-Trial Chamber I indicating that during the confirmation hearing, on 9 November 2006, “he inadvertently misspoke and as a result, the record inaccurately reflects the argument intended”;⁷

NOTING the “Prosecution’s response to the “MOTION BY FORMER COUNSEL TO FILE WRITTEN CORRIGENDA TO ORAL ARGUMENTS”⁸ filed by the Prosecution on 13 November 2007;

NOTING article 61(11) and 64(4) of the Rome Statute (“the Statute”), regulation 21 of the Regulations of the Court (“the Regulations”), and article 24(3) of the Code of Professional Conduct for Counsel (“the Code of Professional Conduct”);

CONSIDERING that the transcript of the hearing of 9 November 2006 properly reflects what was actually said by the former counsel;⁹

CONSIDERING that the former counsel, acting pursuant to 24(3) of the Code of Professional Conduct, brings to the attention of the Chamber that he misspoke at the hearing of 9 November 2006 and indicates the statement that he should have made;¹⁰

CONSIDERING that the Chamber takes note of the information provided by the former counsel in his motion, and considers that there is no correction to be made to the official transcript of the hearing of 9 November 2006;

⁶ ICC-01/04-01/06-1009.

⁷ ICC-01/04-01/06-1009, para. 2.

⁸ ICC01/04-01/06-1025.

⁹ ICC-01/04-01/06-T-30-EN [09Nov2006Edited], page 130. lines 13-16.


¹⁰ ICC-01-04-01/06-1009.

FOR THESE REASONS

NOTES that counsel has brought to the attention of the Chamber that he inadvertently misspoke at the hearing of 9 November 2006;

DECIDES that no corrigenda shall be made to the transcript of the hearing of 9 November 2006.

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



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Wednesday 14 November 2007

At The Hague (the Netherlands)