



Original: French

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

Date: 9 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**

Under seal

**REQUEST TO THE DEMOCRATIC REPUBLIC OF THE CONGO FOR THE
PURPOSE OF OBTAINING THE IDENTIFICATION, TRACING, FREEZING
AND SEIZURE OF PROPERTY AND ASSETS BELONGING TO MR THOMAS
LUBANGA DYILO**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Mrs Fatou Bensouda

Mr Ekkehard Withopf

Ms Lyne Décarie

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

NOTING the warrant of arrest issued against Mr Thomas Lubanga Dyilo by the Chamber on 10 February 2006 pursuant to article 58 of the Rome Statute (the “Statute”);

NOTING the decision of the Chamber dated 10 February 2006, which states that at the time the request for arrest and surrender is transmitted, the Registrar of the Court shall formulate a request to the Democratic Republic of the Congo (the “DRC” or the “requested State”), with a view to obtaining the identification, tracing, freezing and seizure of the property and assets belonging to Mr Thomas Lubanga Dyilo;

NOTING the request for arrest and surrender issued by the Chamber on 24 February 2006;

PURSUANT to articles 57 (3) (e), 75, 87, 93 (1) (k), 96 and 97 of the Statute, and rule 99 (1) of the Rules of Procedure and Evidence;

CONSIDERING that when the request for arrest and surrender is transmitted to the requested State by the Registrar of the Court, a file shall be attached to the request containing the documents listed in article 91 of the Statute and regulation 111 of the Regulations of the Court;

CONSIDERING that the identification, tracing, freezing and seizure of the property and assets belonging to Mr Thomas Lubanga Dyilo are necessary for the ultimate benefit of victims in order to ensure that, should Mr Thomas Lubanga Dyilo be found

guilty of the crimes of which he is accused, the said victims may, in application of article 75 of the Statute, be awarded reparations for damage which they may have suffered;

CONSIDERING that the Prosecutor has informed the Chamber that he has information that Mr Thomas Lubanga Dyilo has a house in Bunia, a Toyota Land-Cruiser and property in Goma, and that in addition the Prosecutor has stated that funds from a local airline might in fact belong to Mr Thomas Lubanga Dyilo;

CONSIDERING that paragraph 15 of United Nations Security Council resolution 1596¹ states that “[...] all States shall [...] immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the [Sanctions] Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction [...]”;

CONSIDERING that the “List of Individuals and Entities Subject To The Measures Imposed by Paragraphs 13 and 15 of Security Council resolution 1596 (2005)” in which the Sanctions Committee identifies Mr Thomas Lubanga Dyilo as one of the persons covered by the said resolution²;

¹ Document UN S/RES/1596 (2005).

² Security Council Sanctions Committee established by resolution 1533 (2004) concerning the Democratic Republic of the Congo, *List of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005)*. This list can be found on the United Nations website at the following address: <http://www.un.org/french/docs/sc/committees/DRCTemplateFr.htm>

FOR THESE REASONS

REQUESTS that the requested State, in accordance with the procedures provided in its national legislation take all necessary measures to identify, trace, freeze and seize the property and assets of Mr Thomas Lubanga Dyilo on its territory, including his moveable and unmoveable property, bank accounts, shares in a partnership, business or private company, subject to the rights of bona fide third parties;

REQUESTS that the requested State, pursuant to article 87 (3) of the Statute, respect the confidentiality of this request unless its disclosure would be necessary for granting this request;

REQUESTS that the requested State, pursuant to article 96 (3) of the Statute provide the Court with any additional information it might need, if necessary, in order to grant this request;

REQUESTS that the requested State communicate to the Chamber, if necessary, the name and address of any provisional administrator who may have been designated in accordance with Congolese law to manage, throughout the conduct of the proceedings before the Court, the property and assets of Mr Thomas Lubanga Dyilo which may have been frozen or seized;

REQUESTS that the requested State inform the Court, pursuant to article 97 of the Statute, of any difficulty which might hinder or prevent the execution of this request;

ORDERS the Registrar of the Court to transmit this request to the requested State in French, the language chosen by this State in accordance with article 87 of the Statute at the time of its ratification of the Statute;

ORDERS that this request shall remain under seal until such time as the Chamber decides otherwise.

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

Judge Claude Jorda
Presiding Judge

Judge Akua Kuenyehia

Judge Sylvia Steiner

Dated this Thursday 9 March 2006

At The Hague

The Netherlands

[Sceau de la Cour]