

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original English

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

Date: 6 March 2007

THE PRESIDENCY

Before: Judge Philippe Kirsch, President
Judge Akua Kuenyehia, First Vice-President
Judge René Blattmann, Second Vice-President

Registrar: Mr Bruno Cathala

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

Public document

Decision constituting Trial Chamber I and referring to it the case of
The Prosecutor v Thomas Lubanga Dyilo

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopt, Senior Trial Lawyer

Mr Thomas Lubanga Dyilo

Legal Assistant

Ms Véronique Pandanzyla

Legal Representatives of Victims

a/0001/06 to a/0003/06 and a/0105/06

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keita

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

THE PRESIDENCY of the International Criminal Court (“the Court”),

NOTING the decision of Pre-Trial Chamber I, dated 29 January 2007, confirming the charges brought by the Prosecutor of the Court against Mr Lubanga Dyilo and committing him for trial (“the decision confirming the charges”),¹

NOTING articles 36, 38 and 39 of the Rome Statute of the International Criminal Court (“the Statute”);

CONSIDERING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings,

CONSIDERING rule 130 of the Rules of Procedure and Evidence of the International Criminal Court (“the Rules”), pursuant to which the Presidency shall refer the case to a Trial Chamber and transmit to it the decision confirming the charges and the record of the proceedings of the Pre-Trial Chamber;

CONSIDERING that the record of the proceedings before Pre-Trial Chamber I and the decision confirming the charges was transmitted, by the Registrar, to the Presidency on 14 February 2007, in accordance with rule 129 of the Rules;²

CONSIDERING the decision of the Presidency, dated 27 February 2007, to suspend transmission of the record of proceedings of Pre-Trial Chamber I to a Trial Chamber, until such time as new Defence Counsel is assigned to Mr Lubanga Dyilo and it is

¹ ICC-01/04-01/06-803 at page 134

² ICC-01/04-01/06-822-Corr

determined that he/she has had adequate time to familiarise him/herself with the case,

HEREBY CONSTITUTES the following Trial Chamber with immediate effect.

Trial Chamber I

Judge Elizabeth Odio Benito

Judge René Blattmann

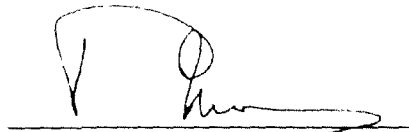
Judge Adrian Fulford

HEREBY REFERS the case against Mr Lubanga Dyilo to Trial Chamber I and,

HEREBY DECIDES to suspend transmission of the record of proceedings of Pre-Trial Chamber I to Trial Chamber I, until such time as new Defence Counsel is assigned to Mr Lubanga Dyilo and it is determined that he/she has had adequate time to familiarise him/herself with the case

ICC-01/04-01/06-840-Conf

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

A handwritten signature in black ink, appearing to be 'P. Kirsch', written over a horizontal line.

Judge Philippe Kirsch
President

Dated this 6 March 2007

At The Hague, The Netherlands