Cour Pénale Internationale



International Criminal Court

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

Date: 5 June 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

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 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

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

Legal Representatives of Victims a/0001/06 to a/0003/06 and a/0105/06

Mr Luc Walleyn Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Thomas Lubanga Dyilo

Other representatives

L'Ordre des Avocats de Paris

Mr Yves Repiquet, President of the Bar

The International Criminal Bar

Ms Virginia Lindsay

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I, Sylvia Steiner, Judge at the International Criminal Court ("the Court"),

NOTING the "Registration in the record of the 'Application for additional means

under regulation 83(3) of the Regulations of the Court", filed by Thomas Lubanga

Dyilo on 3 May 2007;

NOTING the "Demande d'intervention sur 'Demande de ressources additionnelles en vertu

de la Norme 83(3) du Règlement de la Cour' déposée devant le Greffe en date du 3 mai 2007"²

("Thomas Lubanga Dyilo's request"), filed by Thomas Lubanga Dyilo on 25 May

2007;

NOTING the "Demande d'intervention, à titre d'amicus curiae, de l'Ordre des Avocats de

Paris (règle 103 du Règlement de Procédure et de Preuve)" ("Request of the Ordre des

Avocats de Paris"), filed by the Ordre des Avocats de Paris on 30 May 2007;

NOTING the motion and proposed amicus brief pursuant to rule 103 of the ICC

Rules of Procedure and Evidence, from the International Criminal Bar⁴ ("Motion of the

International Criminal Bar"), filed by the representative of the International Criminal

Bar on 4 June 2007;

NOTING the decision confirming the charges against Thomas Lubanga Dyilo,5

rendered by Pre-Trial Chamber I ("the Chamber") on 29 January 2007, whereby the

Chamber committed Thomas Lubanga Dyilo to trial before a Trial Chamber on the

¹ ICC-01/04-01/06-877-Conf-Exp and Anxs A-1.

⁴ ICC-01/04-01/06-918 and Anx.

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² ICC-01/04-01/06-916 and Anx 1-3.

³ ICC-01/04-01/06-917.

⁵ ICC-01/04-01/06-796-Conf and Conf-Anx1 and Conf-Exp-Anx2-3.

charges as confirmed and transmitted the decision and the record of the proceedings

in the instant case to the Presidency pursuant to rule 129 of the Rules;

NOTING the "Transmission à la Présidence de la décision sur la confirmation des charges

et du dossier de la procédure", filed by the Registrar on 14 February 2007;6

NOTING the Decision constituting Trial Chamber I and referring to it the case of The

Prosecutor v. Thomas Lubanga Dyilo,7 rendered by the Presidency on 6 March 2007,

whereby the Presidency referred the case of *The Prosecutor v. Thomas Lubanga Dyilo* to

Trial Chamber I pursuant to rule 130 of the Rules and decided to suspend the

transmission of the record of the proceedings until such time as a counsel for the

defence is appointed and has familiarised himself or herself with the record of the

case;

NOTING the decision on the applications for leave to appeal the Decision on the

confirmation of charges rendered by the Chamber on 24 May 2007;8

NOTING article 61 of the Rome Statute ("the Statute") and rules 129 and 130 of the

Rules;

CONSIDERING that the Chamber has ruled on the Prosecution and Defence

applications for leave to appeal the decision confirming the charges against Thomas

Lubanga Dyilo;

⁶ ICC-01/04-01/06-822-Corr.

⁷ ICC-01/04-01/06-842.

8 ICC-01/04-01/06-915.

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CONSIDERING therefore that the Chamber is no longer seized of any matter in the

instant case;

CONSIDERING, also, that pursuant to article 61(11) of the Statute, the Trial

Chamber shall be responsible for the conduct of subsequent proceedings and may

exercise any function of the Pre-Trial Chamber that is relevant and capable of

application in those proceedings;

FOR THESE REASONS,

DECIDE that the Chamber has no jurisdiction to rule on the present requests;

DECIDE that the Chamber is no longer seized of any matter in the case of *The*

Prosecutor v. Thomas Lubanga Dyilo.

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

[signature]

Judge Sylvia Steiner Single Judge

Dated this Tuesday 5 June 2007

At The Hague, The Netherlands

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