



Original: **French**

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

Date: **4 May 2007**

THE APPEALS CHAMBER

Before: Judge Georghios M. Pikis, Presiding Judge
Judge Philippe Kirsch
Judge Navi Pillay
Judge Sang-Hyun Song
Judge Erkki Kourula

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public Document

**Appointment of Ms Annick Mongo as Duty Counsel pursuant to the Appeals
Chamber's Decision of 3 April 2007**

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer
Mr Fabricio Guariglia, Senior Appeals Counsel

Duty Counsel

Ms Annick Mongo

Mr Thomas Lubanga Dyilo

**Legal Representatives of Victims a/0001/06,
a/0002/06 and a/0003/06**

Mr Luc Walley
Mr Franck Mulenda

Legal Representative of Victim a/0105/06

Ms Carine Bapita Buyangandu

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

NOTING the “*Appeals Chamber’s Decision to Extend Time Limits for Defence Documents*” (“the Decision”) issued by the Appeals Chamber on 3 April 2007,¹ which directed the Registrar to appoint a duty counsel to represent Thomas Lubanga Dyilo, pursuant to regulation 73(2) of the *Regulations of the Court* for the purpose of submitting a response to the “*Directions of the Appeals Chamber*” of 5 February 2007,² as well as a supplementation to the document entitled “Defence submissions on the scope of the right to appeal within the meaning of article 82(1)(b) of the Statute” of 7 February 2007;³

NOTING regulation 73(2) of the *Regulations of the Court*;

NOTING that, by letter of 20 April 2007,⁴ the Head of the Division of Victims and Counsel asked Mr Lubanga, pursuant to regulation 73(2) of the *Regulations of the Court*, to provide the Registry with a prioritised list of persons by whom he would like to be represented to this end and that the updated list of counsel was provided to Mr Lubanga in appendix to the said letter;

NOTING Mr Lubanga’s letter of 25 April 2007 in which he expressed a preference for a duty counsel with whom he could communicate in French;

¹ ICC-01/04-01/06-857.

² ICC-01/04-01/06-805

³ ICC-01/04-01/06-812

⁴ DSS/2007/113. The letter was forwarded to Mr Lubanga on 24 April 2007.

NOTING that, during a visit to Mr Lubanga in the Court's Detention Centre on 27 April 2007, Mr Pereira again explained to Mr Lubanga the procedure for appointing duty counsel and answered all the questions put to him by Mr Lubanga, and that Mr Lubanga confirmed that he understood the procedure for appointing duty counsel;

NOTING that in his letter of 1 May 2007, the Head of the Division of Victims and Counsel set a new deadline of 15:30 on 4 May 2007, in the interests of justice and fairness of the proceedings, and to allow Mr Lubanga sufficient time to make his choice;

NOTING that the Defence Support Section had not been notified of this preference by the expiry of the deadline;

CONSIDERING that the decision pertains to the appointment of a duty counsel with a specific mandate stipulated by the Chamber, and differs from the decision concerning the appointment of counsel to represent Mr Lubanga in the proceedings before the Court;

CONSIDERING that Mr Lubanga has ten (10) days to transmit to the Registry the list of persons he would like to represent him as duty counsel;

CONSIDERING that the Registrar has a duty to appoint duty counsel to represent the interests of Mr Lubanga;

CONSIDERING that Mr Lubanga has not expressed his preference with regard to the identity of the person who should be appointed duty counsel;

CONSIDERING that the Registry had previously consulted several counsel with regard to their availability to act as duty counsel for Mr Lubanga within the framework of the Decision for the purpose of ensuring that inaction on the part of Mr Lubanga would not prevent such appointment;

CONSIDERING the fact that some documents submitted to the Chambers are available only in English and that as a result it is necessary for the appointed counsel to have adequate knowledge of this language;

CONSIDERING that Ms Annick Mongo is included on the list of counsel and has stated that she is available and agrees to represent Mr Lubanga as duty counsel; that she has an excellent knowledge of French and has confirmed in writing that she has sufficient knowledge of English to enable her to perform the duties referred to in the Decision;

FOR THESE REASONS,

DECIDES to appoint Ms Annick Mongo as duty counsel to represent Mr Thomas Lubanga Dyilo for the sole purpose of submitting the response to the “*Directions of the Appeals Chamber*” of 5 February 2007⁵ and the supplementation to the document entitled “Defence submissions on the scope of the right to appeal within the meaning of article 82(1)(b) of the Statute” of 7 February 2007⁶.

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

⁵ ICC-01/04-01/06-805

⁶ ICC-01/04-01/06-812

[*signed*]

Ralph Martens
On behalf of the Registrar

Dated this 4 May 2007

At The Hague