

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

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

Date: 5 June 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 transmitting the pre-trial record of proceedings in the case of *The Prosecutor v Thomas Lubanga Dyilo* to Trial Chamber I

The Office of the Prosecutor

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

Mr Thomas Lubanga Dyilo

Legal Assistant for the Defence
Ms Véronique Pandanzyla

**The Office of Public Counsel for the
Defence**
Mr Xavier-Jean Keïta

**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, confirming the charges brought by the Prosecutor of the Court against Mr Thomas Lubanga Dyilo and committing him for trial¹;

NOTING rule 130 of the Rules of Procedure and Evidence of the 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 pre-trial proceedings;

NOTING that the record of the proceedings before Pre-Trial Chamber I and the decision confirming the charges were transmitted, by the Registrar, to the Presidency on 14 February 2007, in accordance with rule 129 of the Rules²;

NOTING the decision of the Presidency of 6 March 2007 constituting Trial Chamber I, pursuant to article 61(11) of the Statute of the Court, referring to it the case against Mr Lubanga Dyilo and suspending transmission of the record of the pre-trial proceedings to Trial Chamber I, at the request of the defence³, until such time as new defence counsel is assigned to Mr Lubanga Dyilo and he/she has had adequate time to familiarise him/herself with the case⁴;

¹ ICC-01/04-01/06-803.

² ICC-01/04-01/06-822-Corr.

³ ICC-01/04-01/06-831-Conf and ICC-01/04-01/06-840-Conf.

⁴ ICC-01/04-01/06-842.

NOTING that Mr Lubanga Dyilo is seeking a review of the Registrar's decision on his application for additional means, pursuant to regulation 83(4) of the Regulations of the Court, from Pre-Trial Chamber I⁵;

NOTING the decision dated 5 June 2007, in which Pre-Trial Chamber I takes the view that it lacks competence to deal with the application for additional means⁶;

CONSIDERING that there can be no gap in the proceedings, nor can the proceedings be further delayed; and the issue of the assignment of defence counsel must be subject to judicial control;

HEREBY TRANSMITS, to Trial Chamber I, the full record of the proceedings before Pre-Trial Chamber I, including: the decision confirming the charges and committing for trial Mr Thomas Lubanga Dyilo, the latter's application before Pre-Trial Chamber I seeking a review of the Registrar's decision on his application for additional means and the two applications to appear as *amici* on the application for review⁷.

⁵ *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*, 24 May 2007, ICC-01/04-01/06-916.

⁶ ICC-01/04-01/06-919.

⁷ *Demande d'intervention, à titre d'amicus curiae, de l'Ordre des Avocats de Paris (Règle 103 du Règlement de Procédure et de Preuve*, 29 May 2007, ICC-01/04-01/06-917; *Motion and proposed Amicus Brief in relation to the pro se request for review of the Registry decision of 14 May 2007 by Thomas Lubanga Dyilo on behalf of the International Criminal Bar pursuant to Rule 103 of the Rules of Procedure and Evidence*, 4 June 2007, ICC-01/04-01/06-918.

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



Judge Philippe Kirsch
President

Dated this 5 June 2007

At The Hague, The Netherlands