



Original: **French**

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

Date: 31 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***

Public document

**Registrar's Decision on Mr Thomas Lubanga Dyilo's Application for Legal
Assistance Paid by the Court**

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf
Ms Lyne Décarie

Duty Counsel

Mr Jean Flamme

THE REGISTRAR of the International Criminal Court,

PURSUANT TO article 67, paragraph 1(d) of the *Rome Statute*;

PURSUANT TO rules 21 and 22 of the *Rules of Procedure and Evidence*;

PURSUANT TO regulations 83 to 85 of the *Regulations of the Court*;

NOTING the application of 28 March 2006 submitted by Mr Thomas Lubanga Dyilo (“the applicant”) for legal assistance paid by the Court for his legal representation before the Court;

CONSIDERING the information provided by the applicant in respect of his real and personal property and other assets;

CONSIDERING that a preliminary assessment of this information pursuant to regulation 84(1) of the *Regulations of the Court* suggests, *a priori*, that the applicant does not have the means to pay all or any of the costs of his legal representation before the Court;

CONSIDERING that in order to facilitate the investigation into his indigence, the applicant has freely given his consent for the Registrar and others to make all necessary enquiries from financial institutions and land registries and, if required, to have access to his bank accounts;

CONSIDERING that at the applicant’s initial appearance on 20 March 2006, Pre-Trial Chamber I scheduled the confirmation hearing for 27 June 2006;

CONSIDERING that to date the applicant has been represented by a Duty Counsel of his choosing, Mr Jean Flamme, who is on the list of counsel maintained by the Registrar;

CONSIDERING that it is in the interests of justice for the accused to be represented as soon as possible by a counsel of his choosing for the continuation of the proceedings on the merits and to receive legal assistance paid by the Court if he does not have the means to pay for his own defence;

DECIDES:

On the basis of the information provided by the applicant, and pending the outcome of the investigation into his indigence, he is provisionally deemed to be wholly indigent under regulation 85(1) *in fine* of the *Regulations of the Court*;

The cost of legal assistance will be provisionally borne by the Court, in accordance with the fee schedule of the legal assistance scheme paid by the Court;

This decision shall be reconsidered upon completion of the investigation into the means of the applicant under regulation 85(2) of the *Regulations of the Court*;

Inform the applicant that he may request the Presidency to review this decision within fifteen days from the date of its notification;

Directs the applicant to submit to the Registrar as soon as possible the name of his counsel chosen from the list of counsel maintained by the Registrar in accordance with rule 21(2) of the *Rules of Procedure and Evidence* or one who meets the required criteria to be included in the list;

Notifies this decision to Mr Thomas Lubanga Dyilo and Mr Jean Flamme, Duty Counsel;

[signed]

Bruno Cathala
Registrar

Dated this 31 March 2006

At The Hague