

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 13 September 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

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

Public Document

**MOTION BY FORMER COUNSEL FOR LEAVE TO FILE
WRITTEN CORRIGENDA TO ORAL ARGUMENTS**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Dep. Prosecutor
Mr Ekkehard Withopf, Sr. Trial Lawyer

Counsel for the Defence

Ms Catherine Mabilie

Counsel for the Victims

Mr Luc Walleyrn
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Former Counsel for the Defence

Mr. Jean Flamme

1. Mr. Jean Flamme, former counsel for Thomas Lubanga Dyilo, hereby seeks leave pursuant to his residual duties under the Code of Professional Conduct for Counsel ("Code"), Article 24(3), for leave in his capacity as former counsel, to file the written corrigendum contained herein correcting his oral submissions on 9 November 2006.
2. It has recently come to former Counsel's attention that during the confirmation hearing before Pre-Trial Chamber I on 9 November 2006, he inadvertently mis-spoke and as a result, the record inaccurately reflects the argument intended.
3. Article 24 (Duties towards the Court) sub-paragraph (3) of the Code requires that Counsel "shall take all steps necessary to correct an erroneous statement ... as soon as possible after becoming aware that the statement was erroneous."
4. On 9 November 2006, Counsel had intended to set out a final summary of the arguments that had already been stated, and had not intended to broaden the objections being raised in relation to a conflict of interest in the OTP. Therefore, it is respectfully requested that the following correction to the arguments made be noted:

Current transcript:

p. 131, at lines 14 and 15, the transcript currently reads:

"I said that he accepted in his team somebody who attempted - who made an attempt on the life of my client."

Correction (underlined):

"I said that he accepted in his team somebody who was a member of a government ~~that~~ attempted - that made an attempt on the life of my client."

5. In order to ensure the Court is aware of the true position intended by Counsel, it is respectfully requested that this Motion be granted, and that the corrigenda set out herein be deemed as properly filed.

Respectfully submitted,



Jean Flamme
Former Counsel for Thomas Lubanga Dyilo

Dated this 13 September 2007.

At Ghent, Belgium