

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-ROC85-01/09

Date: 17 April 2009

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Thomas Lubanga Dyilo***

Confidential

Ex parte only available to Legal Representatives of victims

**Request for leave to present observations to the « Réponse aux observations du
Greffier ICC-RoC85-01/09-4-Conf-Exp dans l'affaire Le Procureur c/ Thomas
Lubanga Dyilo » filed by the Legal Representatives on 14 April 2009**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Legal Representatives of Victims

M Hervé Diakiese

M Luc Walley

M Franck Mulenda

M Jean Chrysostome Mulamba

Legal Representatives of Applicants

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Daniel Preira

Victims Participation and Reparations

Section

Ms Fiona McKay

THE REGISTRAR of the International Criminal Court (hereinafter "the Court"),

NOTING Regulations 24(4) and 24(5) of the Regulations of the Court (hereinafter "the Regulations");

NOTING the "Décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maitre Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/ Thomas Lubanga Dyilo » dated 25 February 2009 ;¹

NOTING the « Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maitres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/ Thomas Lubanga Dyilo » dated 11 March 2009² (hereinafter "the Request for review") ;

NOTING the order of the Presidency entitled "Order concerning the 'Demande de réexamen de la décision du Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maitres Walley, Mulenda, Diakiese et Mulamba dans l'affaire Le Procureur c/ Thomas Lubanga Dyilo' dated 16 March 2009 requesting the Registry to provide the Presidency with the complete case file of the Application ;³

NOTING the transmission to the Presidency on 18 March 2009 of the complete case file of the Application presented by Maîtres Walley, Mulenda, Diakiese and Mulamba ("the Legal Representatives");⁴

NOTING the Observations of the Registry in accordance with regulation 24 bis of the Regulations of the Court relating to the "Demande de réexamen de la décision du

¹ ICC-RoC85-01/09-3-Conf-Exp-Ann2

² ICC-RoC85-01/09-1-Conf-Exp

³ ICC-RoC85-01/09-2-Conf-Exp

⁴ ICC-RoC85-01/09-3-Conf-Exp, ICC-RoC85-01/09-3-Conf-Exp-Anx 1, ICC-RoC85-01/09-3-Conf-Exp-Anx 2, ICC-RoC85-01/09-3-Conf-Exp-Anx 3, ICC-RoC85-01/09-3-Conf-Exp-Anx 4

Greffier sur la demande d'aide judiciaire aux frais de la Cour déposée par Maitres Walley, Mulenda, Diakiese et Mulamba dans l'affaire le Procureur c/Thomas Lubanga Dyilo" dated 11 March 2009⁵ (hereinafter "the Observations");

NOTING the « Réponse aux observations du Greffier ICC-RoC85-01/09-4-Conf-Exp dans l'affaire Le Procureur c/ Thomas Lubanga Dyilo » filed by the Legal Representatives on 14 April 2009 ⁶(hereinafter "the Response");

OBSERVATIONS

The Response raises issues on its admissibility, as well as on the interpretation of the notion of common legal representation.⁷

The Registrar submits that her views on these issues, which are not addressed in the Observations, will assist the Presidency in its determination of the Request for review and hereby seeks leave to file her observations on the Response in accordance with Regulation 24(5) of the Regulations.

FOR THE FOREGOING REASONS

The Registrar respectfully requests leave of the Presidency to present observations to the Response.



**For the Registrar
Didier Daniel Preira
Deputy Registrar**

Dated this 17 April 2009

At The Hague, The Netherlands

⁵ ICC-RoC85-01/09-4-Conf-Exp

⁶ ICC-RoC85-01/09-5-Conf-Exp

⁷ ICC-RoC85-01/09-5-Conf-Exp, paragraphs 12 and 13