



Original: **French**

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

Date: **22 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**

**DECISION DESIGNATING A SINGLE JUDGE IN THE CASE OF THE  
PROSECUTOR v. THOMAS LUBANGA DYILO**

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Mr Ekkehard Withopf

**Counsel for the Defence**

Mr Jean Flamme, Duty Counsel

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“the Court”);

**NOTING** the “Decision on the Prosecutor’s Application for a warrant of arrest, Article 58”;<sup>1</sup>

**NOTING** the warrant of arrest<sup>2</sup> issued against Mr Thomas Lubanga Dyilo by Pre-Trial Chamber I (“the Chamber”) on 10 February 2006;

**NOTING** the Order scheduling the first appearance of Mr Thomas Lubanga Dyilo<sup>3</sup> and noting the first appearance of Mr Thomas Lubanga Dyilo at a public hearing before the Chamber and in the presence of Duty Counsel and the Prosecutor on 20 March 2006;

**NOTING** articles 39 (2) (b) (iii), 57 (2), 60 and 61 of the Rome Statute (“the Statute”), and rules 7 (1) and 121 (2) (b) of the Rules of Procedure and Evidence (“the Rules”) and regulation 47 (1) and 47 (2) of the Regulations of the Court;

**NOTING** article 39 (2) (b) (iii) of the Statute, pursuant to which the functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge of that division in accordance with the Statute and the Rules of Procedure and Evidence;

**NOTING** article 57 (2) (b) of the Statute, pursuant to which a single judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless

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<sup>1</sup> ICC-01/04-01/06-8-corr

<sup>2</sup> ICC-01/04-01/06-2-tEN

<sup>3</sup> ICC-01/04-01/06-38

otherwise provided for in the Rules of Procedure and Evidence or by a decision to the contrary by a majority of the Pre-Trial Chamber;

**NOTING** rule 7 (1) of the Rules and regulation 47 (1) of the Regulations of the Court, pursuant to which the designation of a single judge shall be based on criteria agreed upon by the Pre-Trial Chamber, including seniority of age and criminal trial experience;

**NOTING** rule 121 (2) (b) of the Rules, pursuant to which the Pre-Trial Chamber shall hold status conferences to ensure that disclosure takes place under satisfactory conditions and pursuant to which for each case a judge of the Pre-Trial Chamber shall be appointed to organise such status conferences;

**CONSIDERING** that at this stage of the proceedings relating to the case of the Prosecutor v. Thomas Lubanga Dyilo in the situation in the Democratic Republic of the Congo (DRC), the designation of a single judge will make it possible for the Chamber to function appropriately and effectively;

**FOR THESE REASONS**

**DECIDES** to designate Judge Sylvia Steiner as single judge of Pre-Trial Chamber I, which has been assigned the case against Mr Thomas Lubanga Dyilo in the situation in the DRC;

**DECIDES** that subject to article 57 (2) of the Statute, Judge Sylvia Steiner shall exercise the functions of the Chamber in this case including the functions provided for in rule 121 (2) (b) of the Rules.

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

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**Judge Claude Jorda**  
**Presiding Judge**

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**Judge Akua Kuenyehia**

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**Judge Sylvia Steiner**

Dated this Wednesday 22 March 2006

At The Hague

The Netherlands