



Original : French

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

Date: 31 March 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Public Document

**REQUEST TO STATES PARTIES TO THE ROME STATUTE FOR THE
IDENTIFICATION, TRACING AND FREEZING OR SEIZURE OF THE
PROPERTY AND ASSETS OF MR THOMAS LUBANGA DYILO**

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Mrs Fatou Bensouda

Mr Ekkehard Withopf

Counsel for the Defence

Mr Jean Flamme, Duty Counsel

I, **Judge Sylvia Steiner**, judge at the International Criminal Court (the “Court”);

NOTING the warrant of arrest for Mr Thomas Lubanga Dyilo issued by Pre-Trial Chamber I (the “Chamber”) on February 2006 pursuant to article 58 of the Rome Statute (the “Statute”);

NOTING the Decision of the Chamber of 10 February 2006 (the “Decision”), under which the Chamber a) indicates that “the reparation scheme provided for in the Statute is not only one of the Statute’s unique features. It is also a key feature” and that “the success of the Court is, to some extent, linked to the success of its reparation system”;¹ and b) decides:

- (i) to make requests for cooperation to all States Parties to identify, trace, freeze or seize the property and assets of Mr Thomas Lubanga Dyilo at the earliest possible opportunity, without prejudice to the rights of third parties, and
- (ii) that before transmitting requests for cooperation to the States Parties, the Registrar shall wait for further instructions from the Chamber after a decision to unseal the warrant of arrest for Mr Thomas Lubanga Dyilo is made;

NOTING the Decision of the Chamber of 17 March 2006 to unseal the warrant of arrest for Mr Thomas Lubanga Dyilo as well as the formatted version of the Decision;²

¹ ICC-01/04-01/06-8-Corr, para. 136 (pursuant to Decision ICC-01/04-01/06-37 this document is reclassified as public)

² ICC-01/04-01/06-37

NOTING the Decision of the Chamber of 22 March 2006 designating Judge Sylvia Steiner as Single Judge of Pre-Trial Chamber I in the case concerning Mr Thomas Lubanga Dyilo in the situation in the Democratic Republic of the Congo;

PURSUANT TO articles 57 (3) (e), 75, 87, 93 (1) (k), 96 and 97 of the Statute and rule 99 (1) of the Rules of Procedure and Evidence;

CONSIDERING that the identification, tracing, freezing and seizure of the property and assets of Mr Thomas Lubanga Dyilo is necessary in the best interest of the victims in order to guarantee that, should Mr Thomas Lubanga Dyilo be found guilty of the crimes of which he is accused, the said victims, by virtue of article 75 of the Statute, will obtain reparations for the harm they may have suffered;

CONSIDERING that paragraph 15 of United Nations Security Council resolution 1596,³ states that “ [...] all States shall, [...] immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of this resolution, which are owned or controlled, directly or indirectly, by persons designated by the [Sanctions] Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction [...]”;

CONSIDERING that in the “List of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005)”, the Sanctions Committee identifies Mr Thomas Lubanga Dyilo as one of the persons concerned by the said resolution;⁴

³ UN document S/RES/1596 (2005)

⁴ Security Council Sanctions Committee established under resolution 1533 (2004) concerning the Democratic Republic of the Congo, *List of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005)*. This list may be consulted at the

FOR THESE REASONS

REQUESTS the States Parties to the Statute (“the requested States”) to take all necessary measures, in accordance with the procedures provided in their national law, in order to identify, trace, freeze and seize the property and assets of Mr Thomas Lubanga Dyilo on their territory, including his movable and immovable property, bank accounts or shares, without prejudice to the rights of bona fide third parties;

REQUESTS the requested States, in accordance with article 96 (3) of the Statute, to advise the Court as appropriate of any specific requirements of their national law;

REQUESTS the requested States to inform the Chamber if appropriate of the name and address of any interim administrator appointed in accordance with their national law to administer, during proceedings before the Court, the property and assets of Mr Thomas Lubanga Dyilo which may have been frozen or seized;

REQUESTS the requested States to inform the Court of any problem which may impede or prevent the execution of this request in accordance with article 97 of the Statute;

ORDERS the Registrar of the Court to transmit this request to the requested States in accordance with the language of their choice upon ratification of the Statute pursuant to article 87 of the Statute;

ORDERS the Registrar of the Court to attach to this request the warrant of arrest for Mr Thomas Lubanga Dyilo and the Decision of the Chamber of 10 February 2006.

following address on the internet site of the United Nations:
http://www.un.org/Docs/sc/committees/DRC/1533_list.htm

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

Judge Sylvia Steiner
Single Judge

Dated this Friday 31 March 2006

At The Hague

The Netherlands