

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 21 July 2009

**TRIAL CHAMBER I**

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

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

**Public**

**Decision issuing a corrigendum to the  
“Minority opinion on the “Decision giving notice to the parties and participants  
that the legal characterisation of facts may be subject to change in accordance with  
Regulation 55(2) of the Regulations of the Court” of 17 July 2009”**

**Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**

Ms Catherine Mabilie  
Mr Jean-Marie Biju Duval

**Legal Representatives of the Victims**

Mr Luc Walley  
Mr Franck Mulenda  
Ms Carine Bapita Buyangandu  
Mr Joseph Keta Orwinyo  
Mr Jean Louis Gilissen  
Mr Jean-Chrysostome Mulamba Nsokoloni  
Mr Paul Kabongo Tshibangu  
Mr Hervé Diakiese

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

1. The presiding judge of Trial Chamber I issued a “Minority opinion on the “Decision giving notice to the parties and participants that the legal characterisation of facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court” on 17 July 2009 (“Opinion”).<sup>1</sup> It has come to the attention of the presiding judge that the Opinion contains clerical errors in three different paragraphs that necessitate correction.
2. The paragraphs concerned are paragraphs 6, 44 and 49. In consequence, the paragraphs should read as follows:

Paragraph 6 of the Opinion:

Regulation 1(1) prescribes that the Regulations “shall be read subject to the Statute and the Rules”, and Article 52(1) of the Statute enjoins the Judges to adopt such Regulations as are “necessary for the routine functioning of the Court.”

Paragraph 44 of the Opinion:

Of equal importance, conscripting, enlisting or using children under the age of 15 do not, *ipso facto*, involve sexual slavery or inhuman or cruel treatment (as defined in the Statute).  
[...].

Paragraph 49 of the Opinion:

[...]. Generally, it would be necessary to prove his participation in a plan or policy, or his involvement in a large-scale commission, of the charges of inhuman or cruel treatment, in the context of the charges.

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<sup>1</sup> ICC-01/04-01/06-2054.

3. For ease of reference, the correct version of the Opinion is attached as Annex 1.

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



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**Judge Adrian Fulford**

Dated this 21 July 2009

At The Hague, The Netherlands