

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 12 October 2006

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Philippe Kirsch
Judge Georghios M. Pikis
Judge Navanethem Pillay
Judge Erkki Kourula

Registrar: Mr. Bruno Cathala

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

Public document

Decision on the Request by Mr. Thomas Lubanga Dyilo for an Extension of Time

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Mrs. Fatou Bensouda, Deputy Prosecutor
Mr. Fabricio Guariglia, Senior Appeals Counsel
Mr. Ekkehard Withopf, Senior Trial Lawyer

Counsel for the Defence

Mr. Jean Flamme
Legal Assistant
Ms. Véronique Pandanzyla

SMS

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr. Thomas Lubanga Dyilo pursuant to the decision of Pre-Trial Chamber I of 28 September 2006, entitled “Decision on Second Motion for Leave to Appeal” (ICC-01/04-01/06-489),

Having before it Mr. Thomas Lubanga Dyilo’s “Request for an Extension of Time”, dated 9 October 2006 (ICC-01/04-01/06-533),

Renders unanimously the following

DECISION

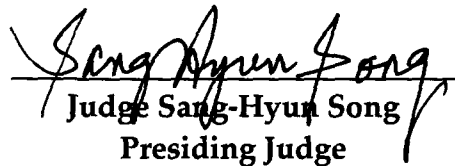
The filing of the “Defence Appeal Brief in Relation to First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81” is accepted.

REASONS

1. On 28 September 2006, Pre-Trial Chamber I rendered its “Decision on Second Defence Motion for Leave to Appeal” (ICC-01/04-01/06-489), in which it partly granted an application for leave to appeal that had been made by Mr. Thomas Lubanga Dyilo.
2. On 9 October 2006, Mr. Thomas Lubanga Dyilo filed before the Appeals Chamber a “Request for an Extension of Time” (ICC-01/04-01/06-533; hereinafter: “Request”), in which he sought an extension of the time limit for the filing of his document in support of the appeal to no later than 10 a.m. on 10 October 2006. He submitted that it was impossible for him to submit the document in support of the appeal within the time limit because he had encountered severe functional problems for the formatting of the document in support of the appeal that could not be solved within the time limit and that he had contacted the Court’s IT section to solve the problems (see paragraphs 3 to 7 of the Request).

3. At 10 a.m. on 10 October 2006, Mr. Thomas Lubanga Dyilo filed the “Defence Appeal Brief in Relation to First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81” (ICC-01/04-01/06-546, hereinafter: “Document in Support of the Appeal”).
4. On 10 October 2006, the Prosecutor filed the “Prosecution Response to Application for Time” (ICC-01/04-01/06-547), in which he stated that he did not oppose the extension of time sought by Mr. Thomas Lubanga Dyilo.
5. The time limit for the filing of the document in support of the appeal, in the present case, can be extended as requested by Mr. Thomas Lubanga Dyilo, because he has shown “good cause”, as is required under regulation 35 (2), first sentence, of the Regulations of the Court. In light of the technical problems he had encountered, it was not possible for him to submit the document in support of the appeal in time. Furthermore, he has sought only a short extension of the time limit. As the time limit is extended, the filing of the Document in Support of the Appeal can be accepted.

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


Judge Sang-Hyun Song
Presiding Judge

Dated this 12th day of October 2006

At The Hague, The Netherlands