

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/06 (OA 7)  
Date: 12 December 2006

**THE APPEALS CHAMBER**

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

**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 of the Appeals Chamber**

**The Office of the Prosecutor**  
Mr. Luis Moreno-Ocampo, Prosecutor  
Ms. Fatou Bensouda  
Mr. Fabricio Guariglia  
Mr. Ekkehard Withopf

**Counsel for the Defence**  
Mr. Jean Flamme

**Legal Assistant**  
Ms. Véronique Pandanzyla

**Counsel for the Victims a/0001/06 to  
a/0003/06**

Mr. Luc Walley  
Mr. Frank Mulenda

*LC*

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr. Thomas Lubanga Dyilo of 20 October 2006 entitled “Defence Appeal Against ‘Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo’” (ICC-01/04-01/06-594),

Having before it the “Réponse des victimes a/0001/06, a/0002/06 et a/0003/06 à l’appel de la Défense concernant la Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo” (ICC-01/04-01/06-704) (“Victims’ Response of 16 November 2006”) and the “Defence Request for an Order Regarding Non-Compliance with the Time Limits” (ICC-01/04-01/06-708) which were registered on 16 November 2006,

Having rendered the “Order of the Appeals Chamber” of 24 November 2006 (ICC-01/04-01/06-727) pursuant to which the “Defence Response to the Appeals Chamber Order of 24 November 2006” (ICC-01/04-01/06-734), the “Prosecution’s Response to ‘Defence Request for an Order Regarding Non-Compliance with the Time Limits’, pursuant to ‘Order of the Appeals Chamber’ of 24 November 2006” (ICC-01/04-01/06-736) and its annex (ICC-01/04-01/06-736-Anx) and the “Réponse des victimes a/0001/06, a/0002/06 et a/0003/06 concernant la requête de la Défense du 16 novembre 2006” (ICC-01/04-01/06-739) were registered on 29 November 2006,

Having thereafter rendered the “Order of the Appeals Chamber” of 4 December 2006 (ICC-01/04-01/06-751) pursuant to which the “Defence Response to the Appeals Chamber Order of 4 December 2006” (ICC-01/04-01/06-756) and the “Prosecution’s Response to Request of Victims to Participate in the Appeal, pursuant to ‘Order of the Appeals Chamber’ of 4 December 2006” (ICC-01/04-01/06-757) were registered on 6 December 2006,

And finally, having received the “Demande des victimes a/0001/06, a/0002/06 et a/0003/06 aux fins de répliquer aux réponses de la Défense et de l’Accusation déposées conformément à l’ordonnance de la Chambre d’appel du 4 décembre 2006” (ICC-01/04-01/06-765) (“Victims’ Request for Leave to Reply of 7 December 2006”) which was registered on 7 December 2006,




*Renders*, in the particular circumstances of this appeal, the following

## DECISION

1. The Victims' Response of 16 November 2006 shall be disregarded having been filed without the leave of the Appeals Chamber.
2. The Victims' Request for Leave to Reply of 7 December 2006 is rejected.
3. Victims a/0001/06, a/0002/06 and a/0003/06 are granted the right to participate in this appeal for the purpose of presenting their views and concerns respecting their personal interests in the issues raised on appeal; they may present their submissions by 15 December 2006; the Prosecutor and the Defence may thereafter file a response by 20 December 2006 to any submissions presented by Victims a/0001/06, a/0002/06 and a/0003/06.
4. Reasons supporting this decision shall be given in the judgment.

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



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**Judge Erkki Kourula**  
**Presiding Judge**

Dated this 12<sup>th</sup> day of December 2006

At The Hague, The Netherlands