

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-01/06 A 5 A 6

Date: 17 December 2012

THE APPEALS CHAMBER

Before:
Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

Decision on the Prosecutor's request for an extension of the page limit

No: ICC-01/04-01/06 A 5 A 6

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Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence
Ms Catherine Mabile
Mr Jean-Marie Biju Duval

Legal Representatives of Victims V01
Mr Luc Walley
Mr Franck Mulenda

Legal Representatives of Victims V02
Ms Carine Bapita Buyangandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

REGISTRY

Registrar
Ms Silvana Arbia

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Thomas Lubanga Dyilo against the decision of Trial Chamber I entitled “Judgment pursuant to Article 74 of the Statute” of 14 March 2012 (ICC-01/04-01/06-2842), and

In the appeal of Mr Thomas Lubanga Dyilo against the decision of Trial Chamber I entitled “Decision on Sentence pursuant to Article 76 of the Statute” of 10 July 2012 (ICC-01/04-01/06-2901),

Having before it the “Prosecution’s Request for an Extension of the Page Limit” of 14 December 2012 (ICC-01/04-01/06-2952),

Renders the following

DECISION

The “Prosecution’s Request for an Extension of the Page Limit” is rejected.

REASONS

1. On 26 November 2012, Mr Lubanga Dyilo (hereinafter: “Mr Lubanga”) filed the “Defence application to present additional evidence in the appeals against the *Judgment pursuant to Article 74 of the Statute and the Decision on sentence pursuant to Article 76 of the Statute*”¹ (hereinafter: “Application to Present Additional Evidence”).
2. The Prosecutor filed the “Prosecution’s Request for Instructions under Regulation 62 of the Regulations of the Court” dated 28 November 2012 and notified on 29 November 2012² (hereinafter: “Request for Instructions”), requesting the Appeals Chamber *inter alia* to allow her to respond to the Application to Present Additional Evidence within 21 days of the filing of that request.³

¹ ICC-01/04-01/06-2942-Conf-tENG.


² ICC-01/04-01/06-2947-Conf.

³ Request for Instructions, para. 11.

3. On 14 December 2012, the Prosecutor filed the “Prosecution’s Request for an Extension of the Page Limit”⁴ (hereinafter: “Request for an Extension of the Page Limit”). The Prosecutor states that “[u]nless otherwise instructed by the Appeals Chamber, the Prosecution will be filing its response to the [Application to Present Additional Evidence] on 18 December 2012”⁵ and requests the Appeals Chamber to grant her an extension of the page limit of her response by five pages.

4. The Appeals Chamber notes that under regulation 62 (2) and (3) of the Regulations of the Court, the Appeals Chamber shall give directions in respect of the filing of responses to requests for the presentation of additional evidence, which “shall be filed within a time limit specified by the Appeals Chamber”. To date, no such directions have been given, nor has a time limit been specified; the Prosecutor is therefore not yet entitled to file a response. Accordingly, the Request for an Extension of the Page Limit is premature and must be rejected.

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



Judge Erkki Kourula
Presiding Judge

Dated this 17th day of December 2012

At The Hague, The Netherlands

⁴ ICC-01/04-01/06-2952,

⁵ Request for an Extension of the Page Limit.