

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 July 2006

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Philippe Kirsch
Judge Georgios 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 “Prosecutor’s Motion for Extensions of the Time and Page Limits”

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

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor pursuant to the decision of Pre-Trial Chamber I of 23 June 2006, entitled “Decision on the Prosecution Motion for Reconsideration and, in the Alternative, Leave to Appeal” (ICC-01/04-01/06-166),

Having before it the “Prosecutor’s Motion for Extensions of the Time and Page Limits” of 26 June 2006 (ICC-01/04-01/06-167) and the corrigendum thereto of 27 June 2006 (ICC-01/04-01/06-167-Corr),

Renders unanimously the following

DECISION

- i) The time limit for the filing of the Prosecutor’s document in support of the appeal is extended to Thursday, 6 July 2006.
- ii) The page limit for the Prosecutor’s document in support of the appeal is extended by five pages.

REASONS

1. On 23 June 2006, Pre-Trial Chamber I issued a decision granting the Prosecutor leave to appeal. On 26 June 2006, the Prosecutor filed before the Appeals Chamber a document entitled “Prosecutor’s Motion for Extensions of the Time and Page Limits” (hereafter: “Prosecutor’s motion”), requesting an extension of the time limit for the filing of the document in support of the appeal to 6 July 2006, and an extension of the page limit for the document in support of the appeal by five pages. On 27 June 2006, the Prosecutor filed a corrigendum to his motion.

2. On 28 June 2006, the Appeals Chamber rendered an order, pursuant to which the Defence could respond to the Prosecutor’s motion by 10 a.m. on Monday, 3 July 2006

(ICC-01/04-01/06-171). By that time, no submissions from the Defence had been received.

3. In support of his request for an extension of the time limit, the Prosecutor states that he was notified of the decision of Pre-Trial Chamber I granting leave to appeal on Friday, 23 June 2006, at 19:48h. He argues that he could only properly commence his analysis of the Pre-Trial Chamber's decision on Monday, 26 June 2006, by which time two days of the time limit provided for in regulation 65 of the Regulations of the Court had already elapsed and that he needs sufficient time to adequately brief the Appeals Chamber (see Prosecutor's motion, paragraph 4). In support of his request for an extension of the page limit, the Prosecutor argues that in the document in support of the appeal he "must deal with three complex issues, involving multiple questions pertaining to, *inter alia*, the scope of the Prosecution's authority to conduct investigations, the available spectrum of protective measures for victims and witnesses and the balance between the Court's duties to protect persons and confidential information and the rights of the defence" (Prosecutor's motion, paragraph 6). The Prosecutor argues further that it would not be possible to provide full arguments and authorities within 20 pages.

4. The applications for extension of the time limit as well as for the extension of the page limit are granted.

5. Pursuant to regulation 35 (2), first sentence, of the Regulations of the Court, a Chamber may extend a time limit if good cause is shown. In the circumstances of the present case, the Prosecutor has shown good cause, because the decision of Pre-Trial Chamber I was notified outside normal working hours on a Friday evening and there was no urgency attached to the Pre-Trial Chamber's decision. The Prosecutor could not reasonably have been expected to take note of the decision of Pre-Trial Chamber I until Monday, 26 June 2006, when a significant part of the time limit for the filing of his document in support of the appeal had already elapsed.

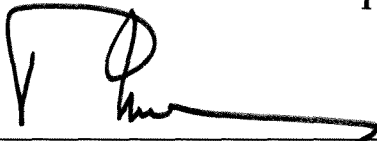
6. Pursuant to regulation 37 (2) of the Regulations of the Court, a page limit may be extended in exceptional circumstances. This criterion has been met in the present case. The Appeals Chamber is persuaded that the complexity of the case warrants the extension

of the page limit. Moreover, the enlargement sought is adjusted to the necessity for the proper presentation of the case.

Judge Sang-Hyun Song is unavailable to sign the decision because he is absent from the seat of the Court on the day of signature.

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

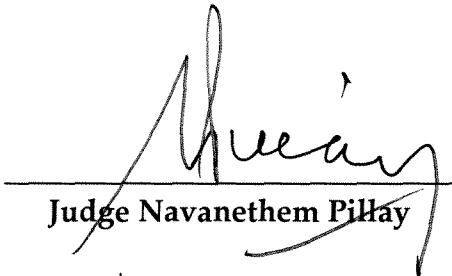
Judge Sang-Hyun Song
Presiding Judge



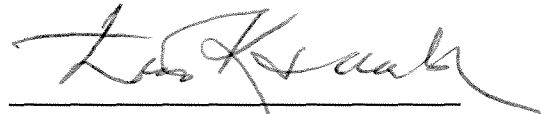
Judge Philippe Kirsch



Judge Georgios M. Pikis



Judge Navanethem Pillay



Judge Erkki Kourula

Dated this 3rd day of July 2006

At The Hague, The Netherlands