

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 28 September 2006

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

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

**Public
URGENT**

Prosecution's Application for Extension of Time to Respond to "Request for Leave to Appeal the Décision autorisant le dépôt d'observations sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/0016/06 à a/0063/06 et a/0071/06"

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer
Mr Fabricio Guariglia, Senior Appeals Counsel
Legal Representatives of Victims
a/0001/06 to a/0003/06
Mr Luc Walley
Mr Franck Mulenda

Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzyla

**Office of Public Counsel for the
Defence**

Ms Melinda Taylor

Procedural Background

1. On 22 September 2006, the Pre-Trial Chamber issued the "Décision autorisant le dépôt d'observations sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/0016/06 à a/0063/06 et a/0071/06".¹
2. On 28 September 2006, the Counsel for Thomas Lubanga Dyilo (the Applicant) filed the "Request for Leave to Appeal the Décision autorisant le dépôt d'observations sur les demandes de participation à la procédure a/0004/06 à a/0009/06, a/0016/06 à a/0063/06 et a/0071/06" (the Second Application for Leave to Appeal).²
3. The previous day, on 27 September 2006, the Applicant had filed the "Request for Leave to Appeal the Second Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81" (the First Application for Leave to Appeal).³

Discussion

4. Pursuant to Regulation 65(3), any response to an application for leave to appeal must be filed within three days. Monday 2 October 2006 is a court holiday. Therefore any response to both the First Application for Leave to Appeal and the Second Application for Leave to Appeal will be due on Tuesday 3 October 2006.
5. Given that the Prosecution is already working on a response to the First Application for Leave to Appeal, as well as numerous other matters pertaining to the ongoing case against Thomas Lubanga Dyilo, the Prosecution requests a modest extension of time to file a response to the Second Application for Leave to Appeal until Friday 6 October 2006.

¹ ICC-01/04-01/06-463

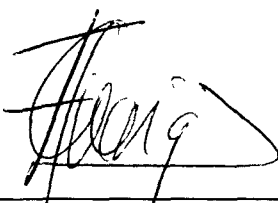
² ICC-01/04-01/06-487

³ ICC-01/04-01/06-483

6. An extension of a time limit prescribed in the Regulations can be granted on a showing of good cause, pursuant to Regulation 35(2). The Prosecution submits that good cause is made out in this case in light of the overlapping deadlines for the submission of responses, as well as the other ongoing work relating to the current case. The Prosecution submits that it is in the interests of the proper determination of the matters in issue that it be given the opportunity to make a considered response to the Second Application for Leave, with a view to assisting the Chamber in reaching its decision.
7. The Prosecution notes that there is only one working day of the Court between the day of the filing of the Second Application for Leave to Appeal, and the day on which a response to that application is due under the Regulations. The Prosecution therefore respectfully requests that the Chamber give this request for extension of time prompt consideration.

Conclusion

8. For the above referred reasons, the Prosecution respectfully requests that the Chamber grant an extension of time for the Prosecution to reply to the Application, until 16h00 on Friday 6 October 2006.


for **Luis Moreno-Ocampo**
Prosecutor

Dated this 28th day of September 2006
At The Hague, The Netherlands