



Original : English

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

Date: 9 October 2006

THE APPEALS CHAMBER

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

Registrar: Mr Bruno Cathala

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

Public Document

Request 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
Attorney

Counsel for the Defence
Mr. Jean Flamme
Legal Assistant
Ms. Veronique Pandanzyla

Introduction :

1. On 28 September 2006, the Honourable Single Judge granted the Defence leave to appeal the First Decision on the Prosecution Requests and Amended for Redactions under Rule 81'. It was notified to the defence at 5.25pm.
2. The Defence appeal brief is due 9 October 2006 at 4pm.
3. Since a substantial component of this time limit elapsed over the long weekend, it was necessary for the defence to continue working on the brief over the last weekend.
4. In light of the fact that the Defence do not have access to the Hoftoren building during the weekend, the person drafting the appeal brief worked on the document from home, using an apple laptop, which converted the document from word format to page format, and exported it as a word format. Whilst this procedure has not caused difficulties in the past, it appears to have caused severe functional problems for the formatting of the document in question, such that some of the references have been lost, and the document freezes and shuts down upon any attempt to add additional references.
5. The defence have contacted the IT section and are attempting to solve the issue, but are still waiting for the relevant IT person to arrive.
6. This technical problem has completely impeded the ability of the defence to finalise the document. However, once the problem is solved, the Defence envisages that it will be in a position to finalise it within 2 – 3 hours.
7. If it is not possible to solve the problem, the defence envisages that it may require an additional 4 hours to completely redo all the references in the document.

Relief Sought:

8. The Defence therefore respectfully requests an extension of time to file the document, such that the deadline is extended until 4 hours after the IT section has examined the document, and in any case, no later than 10am 10 October 2006.

A handwritten signature in blue ink, consisting of a stylized 'J' and 'F' followed by a horizontal line.

Jean Flamme, Counsel for the Defence

Dated this 9th day of October, 2006

At Gm