



Original : English

No.: ICC-01/04-01/06
Date: 20 October 2006

THE APPEALS CHAMBER

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

Registrar: Mr Bruno Cathala

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

Public Document

**Defence Appeal Against 'Décision sur la demande de mise en liberté provisoire de
Thomas Lubanga Dyilo'**

The Office of the Prosecutor

Mr. Luis Moreno Ocampo

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Mr. Fabricio Guariglia

Mr. Ekkehard Withopf

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a/003/06**

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Mr. Jean Flamme

Ms. Véronique Pandanzyla

1. Introduction

1. On 18 October 2006, the Honourable Pre-Trial Chamber issued its ‘Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo’¹ which rejected the defence request for the release of Thomas Lubanga Dyilo.
2. In accordance with article 82(1)(b) of the Statute, a party may appeal as of right a decision granting or denying release of a person being investigation or prosecuted.
3. Rule 154 further specifies that the appeal must be filed within five days of notification of the decision, and Regulation 64 (5) stipulates that the document in support of the appeal must be filed within seven days of notification of the impugned decision.
4. Accordingly, the defence hereby files its notice of appeal against the ‘Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo’.

2. Relief Sought

5. The Defence respectfully requests the Honourable Appeals Chamber to:
 - i. reverse the Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo’ issued on 18 October 2006 ;
 - ii. order that Thomas Lubanga Dyilo shall immediately be granted interim release in accordance with article 60(2), or in the alternative, release with or without conditions in accordance with article 60(4); and
 - iii. issue such subsidiary orders as are necessary to implement the release of Thomas Lubanga Dyilo.

¹ ICC-01/04-01/06-586



On behalf of Jean Flamme, Counsel for the Defence

Dated this 20th day of October, 2006

At The Hague, The Netherlands