

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06 OA8

Date: 11 May 2007

THE APPEALS CHAMBER

Before: Judge Georgios M. Pikis (Presiding Judge)
Judge Philippe Kirsch
Judge Navanethem Pillay
Judge Sang-Hyun Song
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 of the Appeals Chamber on the Defence application for an extension of time of
9 May 2007**

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda
Mr Fabricio Guariglia
Mr Ekkehard Withopf

Duty Counsel

Ms. Patricia Annick Mongo

**Legal representative of victims a/0001/06,
a/0002/06 and a/0003/06**

Mr Luc Walley
Mr Franck Mulenda

Legal representative of victim a/0105/06

Ms Carine Bapita Buyangandu

The Appeals Chamber of the International Criminal Court (hereinafter the “Court”),

In the appeal of Mr. Thomas Lubanga Dyilo (the “Appellant”) of 30 January 2007 entitled “Defence Appeal Against the Pre-Trial Chamber’s ‘Décision sur la confirmation des charges’ of 29 January 2007” (ICC-01/04-01/06-797),

In the application of the Appellant entitled “Demande d’extension de délai” of 9 May 2007 (ICC-01/04-01/06-892),

Renders unanimously the following

DECISION

1. The time for submitting the Appellant’s response to “Directions of the Appeals Chamber” of 5 February 2007 (ICC-01/04-01/06-805) is extended to Monday, 21 May 2007, 4pm.
2. The time for submitting Appellant’s supplementation to the document entitled “Defence submissions on the scope of the right to appeal within the meaning of article 82 (1) (b) of the Statute” (ICC-01/04-01/06-812) filed on 7 February 2007 is extended to Monday, 21 May 2007, 4pm. Following such supplementation, the Prosecutor shall be at liberty to supplement his response (ICC-01/04-01/06-825) filed on 13 February 2007 by Monday, 28 May 2007, 4pm.

REASONS

1. This is yet another application for the extension of time limited for the submission of two documents, notably the Appellant’s response to “Directions of the Appeals Chamber” (ICC-01/04-01/06-805) of 5 February 2007 and the Appellant’s supplementation of the document entitled “Defence submissions on the scope of the right



to appeal within the meaning of article 82 (1) (b) of the Statute” (ICC-01/04-01/06-812) filed on 7 February 2007.¹

2. The application is made by duty counsel (on behalf of the Appellant) appointed² to represent the Appellant in the proceedings in hand, i.e. the preparation and the submission of the two documents in question. Duty counsel was appointed on 4 May 2007 and as stated in the application, she did not arrive at The Hague before 8 May 2007 and only on the day following was it possible to have an interview with the Appellant. She is in no position, as she asserts, to prepare and file the relevant documents by 11 May 2007, the last day fixed for their submission. The assumptions made by the decision³ of 3 April 2007 that duty counsel would be in a position to go into the matters at issue on or before 4 May 2007 did not materialize.

3. As a rule, counsel is best placed to appreciate the needs of a case, especially the time needed for going into matters at issue in the way expected of counsel. The Appeals Chamber has no reason to doubt duty counsel’s estimation of the time required for the filing of the documents under consideration, extending to 21 May 2007. In his response⁴, the Prosecutor raises no objection to the extension of time.

4. The cause shown for the extension sought is judged to be good (regulation 35 (2) of the Regulations of the Court).⁵ Hence, the time for the submission of the documents of the Appellant is extended to 21 May 2007, 4pm and sequentially for the document of the Prosecutor to 28 May 2007, 4pm.

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

¹ See *Prosecutor v. Lubanga Dyilo* “Appeals Chamber’s Decision to Extend Time Limits for Defence Documents” (ICC-01/04-01/06-857) 3 April 2007.

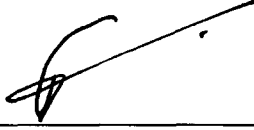
² *Prosecutor v. Lubanga Dyilo* “Désignation de Maître Annick Mongo comme conseil de permanence conformément à la Décision de la Chambre d’appel du 3 avril 2007” (ICC-01/04-01/06-882) 4 May 2007.

³ *Prosecutor v. Lubanga Dyilo* “Appeals Chamber’s Decision to Extend Time Limits for Defence Documents” (ICC-01/04-01/06-857) 3 April 2007.

⁴ *Prosecutor v. Lubanga Dyilo* “Prosecution’s Response to Duty Counsel’s ‘Demande d’extension de délai’” 10 May 2007 (ICC-01/04-01/06-894).

⁵ See *Prosecutor v. Lubanga Dyilo* “Reasons for the “Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007” 21 February 2007 (ICC-01/04-01/06-834).





Judge Georghios M. Pikis
Presiding Judge

Dated this 11th day of May 2007

At The Hague, The Netherlands