

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 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

Clarification

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,

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),

Makes the following

CLARIFICATION

1. The application¹ of the Appellant for the extension of the time limited for the filing of two documents due to be submitted in the cause was received on Wednesday, 9 May 2007 in the afternoon. The decision² of the Appeals Chamber was registered on 11 May 2007 at 3:56pm. It appears that the Appellant confronted with the dilemma of making no response within the time limited for their submission, 4pm, resubmitted³ the document ("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) for which leave was granted to supplement it and the document originally filed,⁴ unsigned by counsel, that was rejected⁵, plus additional submissions⁶.

¹ *Prosecutor v Lubanga Dyilo* "Demande d'extension de délai" of 9 May 2007 (ICC-01/04-01/06-892).

² *Prosecutor v Lubanga Dyilo* "Decision of the Appeals Chamber on the Defence application for an extension of time" 11 May 2007 (ICC-01/04-01/06-903).

³ *Prosecutor v Lubanga Dyilo* "Observations de la Défense confirmant le document 'Defence submissions on the scope of the right to appeal within the meaning of article 82-1-b of the Statute' du 7 février 2007" 11 May 2007 (ICC-01/04-01/06-900).

⁴ See Annex to ICC-01/04-01/06-901; *Prosecutor v Lubanga Dyilo* "Defence Response to Appeals Chamber's Directions of 5 February 2007" 9 February 2007 (ICC-01/04-01/06-816).

⁵ *Prosecutor v Lubanga Dyilo* "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" 16 February 2007 (ICC-01/04-01/06-827).

⁶ *Prosecutor v Lubanga Dyilo* "Réponse à la demande des victims a/0001/06, a/0002/06, a/0003/06 et a/0105/06 d'autorisation de participation à la procédure en appel de la décision de confirmation des charges" 11 May 2007 (ICC-01/04-01/06-901).

2. Duty counsel filed the documents without the benefit of the complete study of the matters at issue for which the Appeals Chamber granted an extension of time till 21 May 2007, at 4pm, in order to comply with existing directions.

3. The Appeals Chamber considers it pertinent to clarify that the Appellant is free to add, detract or supplement the document ("Réponse à la demande des victims a/0001/06, a/0002/06, a/0003/06 et a/0105/06 d'autorisation de participation à la procédure en appel de la décision de confirmation des charges", ICC-01/04-01/06-901) submitted on Friday, 11 May 2007, by the submission of a new document within the extended time limit.

4. Secondly, the Appellant is free to supplement the document which reproduces what was originally filed and for which leave was granted to supplement it by 21 May 2007, 4pm. Following the submission of the supplementary document, the Prosecutor will be at liberty to supplement his response (ICC-01/04-01/06-825) filed on 13 February 2007 by Monday, 28 May 2007, 4pm.

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



Judge Georghios M. Pikis
Presiding Judge

Dated this 14th day of May 2007

At The Hague, The Netherlands