



Original: **French**

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

Date: **29 June 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
v. THOMAS LUBANGA DYILO**

Public

Decision on the Defence motion seeking leave to file a reply

The Office of the Prosecutor

Mr Luis Moreno-Ocampo
Ms Fatou Bensouda
Mr Ekkehard Withopf

Counsel for the Defence

Mr Jean Flamme
Ms Véronique Pandanzila

PRE-TRIAL CHAMBER I (“the Chamber”) of the International Criminal Court (“the Court”);

NOTING the “Application for Release”¹ filed by Counsel for the Defence on 23 May 2006 requesting that Judge Sylvia Steiner, single judge, order the release of Thomas Lubanga Dyilo;

NOTING the “Order relating to the Application for Release”² issued by the Chamber on 29 May 2006, in which the Chamber invited the Defence to inform it of the State to which Thomas Lubanga Dyilo seeks to be released;

NOTING the “Submissions relative to the Order of 29.5.2006”³ filed on 31 May 2006 by Counsel for the Defence, informing the Chamber (i) that Thomas Lubanga Dyilo’s application of 23 May 2006 does not seek interim release, but release, under rule 185 of the Rules of Procedure and Evidence (“the Rules”) and (ii) that Thomas Lubanga Dyilo requests to be released on the territory of the Kingdom of Belgium or Great Britain;

NOTING the “Prosecution’s Response to the Application for Release” (“the Prosecution’s Response”) filed on 13 June 2006;

NOTING the “Application to Reply to the Prosecution’s Response of 13 June 2006 to the Application for Release”,⁴ filed on 21 June 2006 by Counsel for the Defence, in which the Defence requests (i) that it be granted the right to reply to the

¹ ICC-01/04-01/06-121

² ICC-01/04-01/06-128

³ ICC-01/04-01/06-131

⁴ ICC-01/04-01/06-159-Conf

Prosecution's response of 13.6.2006 to the application for release of the accused of 23.5.2006, and (ii) that the time limit for replying begin to run as of the date of communication to the Defence of the French version of the Prosecution's response of 13.6.2006;

NOTING article 50 of the Rome Statute ("the Statute"), rule 41 of the Rules and regulations 24 (5), 34 (c), 36, and 37 of the Regulations of the Court;

CONSIDERING that under regulation 24 (5) of the Regulations of the Court, participants may reply to a response only with the leave of the Chamber;

CONSIDERING that the Defence application refers specifically to the release of Thomas Lubanga Dyilo, raises complex issues, and that, accordingly, it is in the interest of the Defence to be in a position to respond to the arguments set out in the Prosecution's response;

CONSIDERING moreover that regulations 36 and 37 of the Regulations of the Court set forth precise rules for formatting documents filed with the Registry, and that these regulations must be applied to all documents filed;

FOR THESE REASONS

DECIDES to grant Counsel for the Defence leave to file a reply, consistent with the Regulations of the Court regarding document formatting, within ten days of notification of this Decision;

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

/signed/
Judge Claude Jorda
Presiding Judge

/signed/
Judge Akua Kuenyehia

/signed/
Judge Sylvia Steiner

Dated this Thursday 29 June 2006

At The Hague, the Netherlands