



Original : French

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

Date: 3 July 2006

THE APPEALS CHAMBER

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

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Thomas Lubanga Dyilo***

Public Document

Reply to the Motion of the Prosecutor of 26 June 2006

The Office of the Prosecutor

Defence Counsel

Mr Jean Flamme

Mr Luis Moreno-Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Assistant

Véronique Pandanzyla

1. Background

1. Noting the decision of 23 June 2006 of Pre-Trial Chamber I issued by the single judge in the present case, which granted the Prosecutor a limited right of appeal.

Noting the motion of 26 June 2006 by the Prosecutor to extend the time and page limits set out in regulation 65 (4).

2. Facts

2. Considering that the Defence shares the point of view of the Prosecutor, that the materials relative to the appeal are complex and general materials which primarily concern the evidence and also their disclosure and therefore particularly relevant to the fundamental rights of the Defence and a fair trial.

Considering that the Parties to the trial have already reached extremely detailed conclusions on this issue, and that these discussions, which are general in nature and concern the interpretation of the documents have very serious repercussions for the Defence and keep it from preparing its factual defence for the confirmation hearing on the charges.

3. The document which the Prosecutor will file in support of his appeal will require the Defence once again to summon all its efforts in order to respond, at a time when other work for the confirmation hearing on the charges and several conclusions and applications involving the Defence itself in this present case is increasingly required, in particular the extremely important discussions on the application for release.

Furthermore, the Defence has repeatedly requested that it be allowed to go on mission to the DRC in order to investigate; and that it should be noted that before the end of the summer holidays the Defence will not be available for mere drafting or even complex drafting for at least two weeks.

3. Measure sought

4. The Defence has no objection to the motion of the Prosecutor being granted.
5. However, the Defence requests that the time limit granted in regulation 65 (5) be extended and that it be granted a time limit of at least fifteen days to allow it to file a response to the document to be filed by the Prosecutor in support of his appeal, a time limit to run from the date on which the Defence is notified of this document.

[signature]

Jean Flamme

Defence Counsel

Dated this 3 July 2006

At The Hague