

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06 OA14

Date: 27 January 2009

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Philippe Kirsch
Judge Georgios M. Pikis
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko

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

Public Document

**Prosecution's Notice to the Registrar of its Discontinuance, as moot, of its
6 October 2008 Appeal against Decision on the Prosecution's Application
to Lift the Stay Proceedings**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Jean Louis Gilissen

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Ms Paolina Massida

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution hereby notifies the Registrar that it is discontinuing its pending appeal, ICC-01/04-01/06-1474 OA14, in *Prosecutor v. Lubanga*.
2. The Prosecution filed its Document in Support of Appeal on 6 October 2008.¹
3. The Trial Chamber lifted the stay on 18 November 2008.² On 26 January 2009, the trial in *Prosecutor v. Lubanga* commenced. The appeal is therefore moot.
4. Rule 157 of the Rules of Procedure and Evidence allows a party to discontinue an appeal "at any time before judgment has been delivered."
5. Accordingly, the Prosecution files this Notice of Discontinuance of Appeal.



Luis Moreno-Ocampo
Prosecutor

Dated this 27th day of January 2009
At The Hague, The Netherlands

¹ ICC-01/04-01/06-1474 OA14.

² ICC-01/04-01/06-T-98 ENG, pages 3-4. It delivered the written reasons for that decision on 23 January 2009. See ICC-01/04-01/06-1644.