

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-01/06
Date: 1 September 2010

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko
Judge Sanji Mmasenono Monageng

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

URGENT

Confidential

**Prosecution's observations on "Registry's additional information relevant to the
'Prosecution's Document in Support of Appeal against Trial Chamber I's decision
of 8 July 2010 to stay the proceedings for abuse of process'"**

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

Catherine Mabilie

Jean-Marie Biju-Duval

Legal Representatives of Victims

Legal Representatives of Applicants

**The Office of Public Counsel for
Victims**

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

REGISTRY

Registrar

Silvana Arbia

Victims and Witnesses Unit

Maria-Luisa Martinod-Jacome

1. On 11 August 2010 the Registry submitted a document entitled "Registry's additional information relevant to the 'Prosecution's Document in Support of Appeal against Trial Chamber I's decision of 8 July 2010 to stay the proceedings for abuse of process'" ("Registry Filing").¹ The Registry comments confirm the Prosecution's statement of the facts² and show the need to clarify the protection roles of the different organs of the Court.
2. If the Chamber considers that it would be helpful to receive comments from the Registry about its role in the Court's protection process, the Prosecution requests to be heard. The Appeals Chamber has previously found under similar circumstances that "it is appropriate to provide the Prosecutor [...] with a time-limit within which [it] could respond to the Registrar's Considerations".³



Luis Moreno-Ocampo,

Prosecutor

Dated this 1st day of September 2010

At The Hague, The Netherlands

¹ ICC-01/04-01/06-2551-Conf. Since this document was filed confidentially, the Prosecution, pursuant to Regulation 23bis (2) files this response confidentially as well.

² ICC-01/04-01/06-2544 OA18, paras. 24-45; see in particular footnote 56. The Email was also attached to the Prosecution's appeal brief (see ICC-01/04-01/06-2544-Conf-AnxB).

³ ICC-01/04-01/07-675 OA7, para. 4. In that decision the Appeals Chamber did not address the question whether the Prosecution has an automatic right pursuant to Regulation 24(1) to respond to a filing of the Registry.