



Original: **French**

No.: ICC-01/04-01/06
Date: 26 November 2012

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public Document

**Defence application for an extension of the page limit for its appeal brief
challenging the *Judgment pursuant to Article 74 of the Statute***

Source: Defence team for Mr Thomas Lubanga Dyilo

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

Office of the Prosecutor

Ms Fatou Bensouda
Mr Fabricio Guariglia

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

Legal Representatives of Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**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

BACKGROUND

1. On 14 March 2012, Trial Chamber I issued its *Judgment pursuant to Article 74 of the Statute*.¹
2. On 3 October 2012, the Defence filed an appeal against the Judgment.²
3. Pursuant to regulation 37(2) of the Regulations of the Court, the Defence hereby requests the Appeals Chamber to extend the page limit for the brief in support of its appeal against the *Judgment pursuant to Article 74 of the Statute* to 120, for the reasons set forth below.

OBSERVATIONS

4. Regulation 58(5) of the Regulations of the Court stipulates that the document in support of the appeal shall not exceed a hundred pages. However, the allocated page limit would be insufficient for the Defence to set forth all the arguments in support of its appeal against the *Judgment pursuant to Article 74 of the Statute*.
5. The issues which the Defence wishes to submit to the Appeals Chamber concern the entirety of the Judgment, which amounts to 686 pages in French.³ The observations made by the parties and participants during the trial proceedings amount to some 755 pages.⁴ To these must be added the submissions of the parties and participants on the “Defence Application Seeking a Permanent Stay of Proceedings”, which amount to some 365 pages.⁵

¹ ICC-01/04-01/06-2842.

² ICC-01/04-01/06-2934.

³ ICC-01/04-01/06-2934, para. 4.

⁴ ICC-01/04-01/06-2744, ICC-01/04-01/06-2746, ICC-01/04-01/06-2747, ICC-01/04-01/06-2748, ICC-01/04-01/06-2773, ICC-01/04-01/06-2778, ICC-01/04-01/06-2786.

⁵ ICC-01/04-01/06-2657, ICC-01/04-01/06-2684, ICC-01/04-01/06-2685, ICC-01/04-01/06-2686, ICC-01/04-01/06-2687, ICC-01/04-01/06-2688, ICC-01/04-01/06-2675, ICC-01/04-01/06-2676, ICC-01/04-01/06-2677, ICC-01/04-01/06-2678, ICC-01/04-01/06-2679.

6. To assist the Appeals Chamber, the Defence would like to be able to set forth as comprehensively as possible the full grounds of appeal and the legal and factual basis for them, with specific references to a considerable volume of material in the case record which is relevant to the said grounds.
7. The Defence further notes that this is the first ever case to be heard before the Court. Consequently, several new issues will have to be submitted to the Appeals Chamber, thereby adding to the complexity of the present case.
8. In light of the foregoing, the Defence exceptionally seeks leave from the Appeals Chamber to extend by 20 pages the page limit for its brief in support of the appeal against the article 74 decision.

FOR THESE REASONS, MAY IT PLEASE THE APPEALS CHAMBER TO:

GRANT LEAVE to the Defence to file a brief of no more than 120 pages in support of its appeal against the article 74 decision.

[signed]

Ms Catherine Mabilie, Lead Counsel

Dated this 26 November 2012

At The Hague, The Netherlands