



Original: French

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

Date: 24 March 2006

THE APPEALS CHAMBER

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

Registrar: Mr Bruno Cathala

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

Public Document

**Appeal by Duty Counsel for the Defence against Pre-Trial Chamber I's Decision
of 10 February 2006 on the Prosecutor's Application for a Warrant of Arrest,
Article 58**

The Office of the Prosecutor
Mr Luis Moreno-Ocampo, Prosecutor
Mrs Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Duty Counsel for the Defence
Mr Jean Flamme

Considering the applicant, Mr Thomas Lubanga Dyilo, is hereby appealing Pre-Trial Chamber I's Decision of 10 February 2006 on the Prosecutor's Application for a warrant of arrest, Article 58 in the case of The Prosecutor v. Thomas Lubanga Dyilo, No. ICC-01/04-01/06, concerning the situation in the Democratic Republic of the Congo, which decision has a total of 74 pages.

This appeal is made pursuant to rule 154 of the Rules of Procedure and Evidence and articles 82 (1) (a) and 19 (6) of the Rome Statute.

Considering the decision under appeal effectively determines the admissibility of the case against Mr Thomas Lubanga Dyilo.

It erroneously found the case to be admissible, and considered that the criteria for inadmissibility set out in article 17 (1) of the Statute were not met.

Considering under rule 154 of the Rules of Procedure and Evidence, a decision with respect to admissibility may be appealed against.

Under regulation 64 of the Regulations of the Court, the appellant may file a brief in support of the appeal within 21 days of notification.

The appellant reserves the right to state his arguments in a brief.

FOR THESE REASONS,

MAY IT THEREFORE PLEASE THE COURT TO:

Declare this appeal to be admissible and well founded.

Alter Pre-Trial Chamber I's Decision of 10 February 2006 on the Prosecutor's Application for a warrant of arrest in the case No. ICC-01/04-01/06.

Declare the case to be inadmissible.

Rule that a warrant of arrest was improperly issued against the appellant.

Order that the appellant be released.

For the appellant,

His counsel,

Jean FLAMME

Duty Counsel for the Defence

Dated this 24 March 2006

At Gent