



Original: **French**

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

Date: **20 March 2006**

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

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

Public Document

**Application by Duty Counsel for Extension of Time-Limit to Appeal
and for Disclosure of the Office of the Prosecutor's Case-File**

The Office of the Prosecutor

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

Duty Counsel

Mr Jean Flamme

Noting the Decision on the Prosecutor's Application for a Warrant of Arrest dated 10 February 2006;

Noting the Warrant of Arrest dated 10 February 2006;

Noting Pre-Trial Chamber I's Decision to Maintain the Documents in the Case Under Seal dated 24 February 2006;

Considering that the Decision of 10 February 2006 rules on jurisdiction and admissibility;

In accordance with article 82 (1) (a) of the Rome Statute;

Considering that questions arise in relation to the lawfulness of the accused's having been deprived of his liberty in the Democratic Republic of the Congo since 13 August 2003 and of his imprisonment;

Considering that questions also arise in relation to the existence of charges in the Democratic Republic of the Congo and, where applicable, the scope thereof;

Considering that these issues have significant repercussions for the admissibility and lawfulness of the current proceedings before the International Criminal Court;

That there is reason to provide the accused with access to the Prosecutor's entire case file so that these issues may be examined;

That there is also reason to extend by at least one month the five-day time-limit provided for under rule 154 (1) of the Rules of Procedure and Evidence;

That failure to comply with this time-limit does not result in a loss of rights;

That the accused must be allowed to examine the lawfulness of his arrest, the admissibility of the case and the jurisdiction of the court;

That he would not be able to do so without first having access to the case file;

FOR THESE REASONS

RESPECTFULLY REQUESTS THAT THE COURT

Extend by 30 days the time-limit to appeal against Pre-Trial Chamber I's Decision on the Prosecutor's Application for a Warrant of Arrest dated 10 February 2006;

Provide the accused and his counsel with access to the Prosecutor's entire case file against the accused and, in particular, to the:

- Prosecution's Application dated 13 January 2006;
- Decision concerning Supporting Materials dated 20 January 2006;
- Documentation appended to the Prosecution's Application of 13 January 2006;
- Documentation entitled "Prosecution's Submission of Further Information and Materials";
- Documentation entitled "Further Information and Materials";
- Transcript of the hearing of 2 February 2006.

Counsel for the Accused

Jean Flamme

/signature/

Dated this Monday 20 March 2006
At The Hague
The Netherlands

[Sceau de la Cour]