



Original: **French**

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

Date: **10 September 2009**

THE APPEALS CHAMBER

Before: Judge Daniel David Ntanda Nsereko, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

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

Public Document and Annex

**Defence Application for an Extension of the Page Limit for its Appeal Brief Filed on
10 September 2009**

Source: The Defence team for Mr Thomas Lubanga Dyilo

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

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Unrepresented Victims

**Unrepresented Applicants for
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Victims and Witnesses Unit

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BACKGROUND

1. On 14 July 2009, Trial Chamber I rendered the *Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court*.¹
2. On 11 and 12 August 2009, the Defence and the Prosecution filed applications for leave to appeal the Decision (hereinafter referred to as “Applications”).²
3. On 3 September 2009, the Trial Chamber granted leave to the Prosecution and to the Defence to appeal the Decision on two grounds.³
4. In the present document, the Defence team for Mr Thomas Lubanga hereby seeks leave from the Chamber for an extension of the page limit pursuant to regulation 37(2) of the Regulations of the Court, so as to allow it to add three pages to its “Defence Appeal against the Decision of 14 July 2009 entitled *Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court*”.

SUBMISSIONS

5. Exceptionally, and in view of the importance of the issues discussed and the complexity thereof, the Defence seeks leave from the Appeals Chamber to include in its appeal brief paragraphs 35 to 38 of its submissions filed on 16 November 2007 and set out in the Annex hereto.⁴

¹ ICC-01/04-01/06-2049.

² ICC-01/04-01/06-2073-tENG and ICC-01/04-01/06-2074.

³ ICC-01/04-01/06-2107.

⁴ ICC-01/04-01/06-1033, paras. 35 to 38.

6. These paragraphs, totalling three pages, will enable the Appeals Chamber to comprehend the arguments set out as its Principal Submission in paragraphs 5 and 6 of the appeal brief filed today.

FOR THESE REASONS

MAY IT PLEASE THE APPEALS CHAMBER:

TO GRANT LEAVE to the Defence to file an additional three pages to its “Defence Appeal against the Decision of 14 July 2009 entitled *Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court*”.

[signed]

Catherine Mabilie, Lead Counsel

Dated this 10 September 2009, at The Hague