

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

No.: **ICC-01/04-01/06 OA19**

Date: **23 August 2011**

**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***

**Confidential**

**Prosecution's Response to the Government of the Kingdom of the Netherlands  
"Urgent request for Directions"**

**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**

Mr Catherine Mabilie  
Mr Mr Jean-Marie Biju-Duval

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

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

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

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

Ms Paolina Massida

**States Representatives**

**Amicus Curiae**

Ms Liesbeth Lijnzaad, the Government of  
the Kingdom of the Netherlands

The Democratic Republic of the Congo

**REGISTRY**

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**Registrar**

**Defence Support Section**

Ms Silvana Arbia

**Victims and Witnesses Unit**

**Detention Section**

Ms Maria Luisa Martinod-Jacome

Mr Andres Backman

**Victims Participation and Reparations  
Section**

**Other**

Mr Ghislain Mabanga Monga Mabanga

1. On 4 July 2011, Trial Chamber I issued its "Decision on the request by DRC-D01-WWWW-0019 for special protective measures relating to his asylum application"<sup>1</sup> (the "Decision").
2. On 13 July 2011, the Government of the Kingdom of the Netherlands sought leave to appeal the Decision<sup>2</sup> (the "Application for leave to Appeal").
3. On 19 July 2011, the Prosecution responded to the Kingdom of the Netherlands application for leave to appeal (the "Prosecution Response").<sup>3</sup>
4. On 4 August, the Trial Chamber I issued the "Decision on two requests for leave to appeal the "Decision on the request by DRC-D01-www-0019 for special protective measures relating to his asylum application". In its decision the Trial Chamber granted leave to appeal on an exceptional basis under Article 64(6)(f) (the "Decision on Request for Leave to appeal").<sup>4</sup>
5. On 17 August 2011, the Government of the Kingdom of the Netherlands filed an "Urgent request for Directions", requesting urgent directions as to the procedure to follow in the appeal or, in the event the Appeals Chamber considers that the time limit to file the document in support of the appeal is already running, a 21-day extension to file, starting on the date of the Appeals Chamber's decision on the request.<sup>5</sup>
6. The Prosecution agrees with the Kingdom of the Netherlands that the Decision involves complex and novel issues. The Prosecution further notes that the Government of the Kingdom of the Netherlands' claim that adequate time is required to allow internal consultation within the different government offices for the purposes of preparing the document in support of the appeal is a reasonable one. Accordingly, it does not oppose the requested extension of the time-limit.

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<sup>1</sup> ICC-01/04-01/06-2766-Conf

<sup>2</sup> ICC-01/04-01/06-2768-Conf, para. 7

<sup>3</sup> ICC-01/04-01/06-2775-Conf

<sup>4</sup> ICC-01/04-01/06-2779-Conf

<sup>5</sup> ICC-01/04-01/06-2788-Conf



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Luis Moreno-Ocampo,  
Prosecutor

Dated this 23<sup>rd</sup> day of August 2011

At The Hague, The Netherlands