

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: **ICC-01/04-01/06 OA8**  
Date: **1 February 2007**

**THE APPEALS CHAMBER**

**Before:** Judge Georghios M. Pikis (Presiding Judge)  
Judge Philippe Kirsch  
Judge Navanethem Pillay  
Judge Sang-Hyun Song  
Judge Erkki Kourula

**Registrar:** Mr Bruno Cathala

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

**Public Document**

**Directions and Decision of the Appeals Chamber**

**The Office of the Prosecutor**  
Mr Luis Moreno-Ocampo, Prosecutor  
Ms Fatou Bensouda  
Mr Fabricio Guariglia  
Mr Ekkehard Withopf

**Counsel for the Defence**  
Mr Jean Flamme  
**Legal Assistant**  
Ms Véronique Pandanzyla  
Mr Geoff Roberts


The Appeals Chamber of the International Criminal Court,

In the appeal of Mr. Thomas Lubanga Dyilo of 30 January 2007 entitled “Defence Appeal Against the Pre-Trial Chamber’s ‘Décision sur la confirmation des charges’ of 29 January 2007” (ICC-01/04-01/06-797),

*Directs and decides:*

1. Before addressing any other issue in the cause of the appeal, the Appeals Chamber considers it necessary and pertinent to examine *in limine* whether the appeal is admissible, as the appellant claims it to be, under the provisions of article 82 (1) (b) of the Statute.
2. In exercise of the powers vested in and acknowledged to the Appeals Chamber by the provisions of regulation 28 of the Regulations of the Court, the Appeals Chamber directs the participants to address the issue of whether the subject-matter of the appeal is an appealable decision within the meaning of article 82 (1) (b) of the Statute pursuant to the provisions of which it was filed.
3. The appellant is directed to make his submission on the subject defined above in a document to be filed by Wednesday, 7 February 2007, at 4pm. Thereafter, the Prosecutor shall be at liberty to make his response by Tuesday, 13 February 2007, at 4pm.
4. Subject to the decision of the Appeals Chamber on the appealability of the decision, the subject-matter of the appeal, directions will be given with regard to the submission of the document in support of the appeal, the time within which it may be filed and its length, as well as the time within which the Prosecutor may lodge his response.

Done in both English and French, the English version being authoritative.



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**Judge Georghios M. Pikis**  
**Presiding Judge**

Dated this 1st day of February 2007

At The Hague, The Netherlands