

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 March 2012

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

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

Public

Scheduling order concerning timetable for sentencing and reparations

Decision/Order/Judgment to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

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

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massida

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Ms Fiona McKay

Other

Mr Pieter de Baan, Executive Director,
Trust Fund for Victims

Trial Chamber I (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *Prosecutor v. Thomas Lubanga Dyilo* (“Lubanga case”), issues the following Scheduling order concerning timetable for sentencing and reparations:

Sentencing

1. The defence is to file submissions by 16.00 on 28 March 2012 as to the parts of the Judgment pursuant to Article 74 of the Rome Statute (“Statute”) it is suggested require translation. The defence is to inform the Chamber as to the length of time it seeks in order to prepare submissions on sentence for Mr Lubanga once the translated sections have been received.
2. Thereafter, the Chamber will instruct the Registry to translate the sections of the Judgment it considers necessary to enable the defence to file its submissions.
3. The Office of the Prosecutor (“prosecution”) and the legal representatives of victims are invited to file written submissions on the procedure to be adopted for sentencing under Article 76 of the Statute and the principles to be applied by the Chamber when it is considering the appropriate sentence to be imposed, by 16.00 on 18 April 2012.
4. The date for the separate sentencing hearing will be fixed in due course bearing in mind, *inter alia*, the length of time it will take the Registry to

provide the translation and to enable Mr Lubanga to prepare his submissions.

Reparations

5. The Registry and the Trust Fund for Victims are instructed to file a public version of the Trust Fund's for Victims First Report on Reparations¹ and the Second Report of the Registry on Reparations² by 16.00 on 28 March 2012. The Registry is further instructed to file the original and public redacted versions of the reports on the VPRS missions conducted in 2010 and December 2011 by 16:00 on 5 April 2012.
6. The Registry is to inform the Chamber by 16.00 on 28 March 2012 as to the steps it intends to take to notify the Judgment pursuant to Rule 96 of the Rules of Procedure and Evidence ("Rules"), and the length of time this procedure will take.
7. The Registry is to send the Chamber the current applications for reparations, together with a report thereon, by 16.00 on 28 March 2012. The report is to include, *inter alia*, the procedure it is recommended should be followed and any submissions as to the principles to be applied by the Chamber when considering the appropriate reparations in this case.
8. The parties and participants are invited to file submissions on a) the principles to be applied by the Chamber with regard to reparations and b)

¹ Trust Fund's for Victims First Report on Reparations, 1 September 2011, ICC-01/04-01/06-2803-Conf-Exp.

² Second Report of the Registry on Reparations, 1 September 2011, ICC-01/04-01/06-2806-Conf-Exp.

the procedure to be followed by the Chamber, by 16.00 on 18 April 2012.

In particular these should address, *inter alia*:

- i) whether reparations should be awarded on a collective or an individual basis (see Rule 97(1) of the Rules);
- ii) depending on whether there should be individual or collective reparations (or both), to whom are they to be directed; how harm is to be assessed; and the criteria to be applied to the awards;
- iii) whether it is possible or appropriate to make a reparations order against the convicted person pursuant to Article 75(2) of the Statute;
- iv) whether it would be appropriate to make an order for an award for reparations through the Trust Fund for Victims pursuant to Article 75(2) of the Statute; and
- v) whether the parties or participants seek to call expert evidence pursuant to Rule 97 of the Rules.

9. The Registry and the Trust Fund for Victims are invited to make observations on the issues identified above by 16.00 on 18 April 2012.

10. If other individuals or interested parties, including those who have been notified of the reparation proceedings pursuant to Rule 96 of the Rules, seek to file submissions on a) and b) above, they are to apply in writing for leave to participate, by 16.00 on 28 March 2012. The Chamber may extend this period, depending on the length of time it will take the Registry to fulfil its notification responsibilities under Rule 96 of the Rules.

11. The Chamber will set a deadline thereafter for those individuals or interested parties who are granted leave to participate to file their submissions.
12. The Chamber will decide thereafter whether to hold a reparations hearing.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 14 March 2012

At The Hague, The Netherlands