

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-01/06 A A2 A3 OA21

Date: 17 September 2012

THE APPEALS CHAMBER

Before:
Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

Directions on the conduct of the appeal proceedings

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence
Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims
Ms Carine Bapita Buyangandu
Mr Paul Kabongo Tshibangu
Mr Luc Walley
Mr Franck Mulenda

The Trust Fund for Victims
Mr Pieter de Baan

The Office of Public Counsel for Victims
Ms Paolina Massidda
Ms Sarah Pellet

REGISTRY

Registrar
Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeals filed, on 24 August 2012, by Ms Carine Bapita Buyangandu, Mr Paul Kabongo Tshibangu, and the Office of Public Counsel for victims (ICC-01/04-01/06-2909), and, on 3 September 2012, by Mr Luc Walley and Mr Franck Mulenda (ICC-01/04-01/06-2914), as well as, on 6 September 2012, by Mr Thomas Lubanga Dyilo (ICC-01/04-01/06-2917) against the decision of Trial Chamber I entitled “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 (ICC-01/04-01/06-2904),

And in the appeal of Mr Thomas Lubanga Dyilo against the decision of Trial Chamber I entitled “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 (ICC-01/04-01/06-2904) pursuant to the “Decision on the defence request for leave to appeal the Decision establishing the principles and procedures to be applied to reparations” of 29 August 2012 (ICC-01/04-01/06-2911);

Having before it the “Document déposé par la Défense à l’appui de l’appel à l’encontre de la « Decision establishing the principles and procedures to be applied to reparation » rendue par la Chambre de première instance I le 7 août 2012” filed by Mr Thomas Lubanga Dyilo on 10 September 2012 (ICC-01/04-01/06-2919), and the “Requête relative à la participation des victimes à l’appel interlocutoire interjeté par la Défense à l’encontre de la ‘Decision establishing the principles and procedures to be applied to reparation’ délivrée par la Chambre de première instance I le 7 août 2012” filed by the Office of Public Counsel for victims on 13 September 2012 (ICC-01/04-01/06-2921);

Considering that it is necessary to examine *in limine*, before addressing any other issue in the appeals, whether the appeals are admissible and who should make submissions or submit observations on the appeals,

Issues, pursuant to regulation 28 of the Regulations of the Court, the following

DIRECTIONS

- (1) Ms Carine Bapita Buyangandu and Mr Paul Kabongo Tshibangu, Mr Luc Walley and Mr Franck Mulenda (hereinafter: “Legal Representatives”) as

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well as the Office of Public Counsel for victims shall indicate, by 16h00 on 1 October 2012, who they represent in the present proceedings and, in particular, whether they appear before the Appeals Chamber only on behalf of those individuals who have claimed reparations.

- (2) Without prejudice to the resolution of who has standing in these appeals, the Legal Representatives and the Office of Public Counsel for victims, acting on behalf of their respective clients, as well as Mr Thomas Lubanga Dyilo, the Prosecutor and the Trust Fund for Victims may, by 16h00 on 1 October 2012, file submissions on the above-mentioned appeals, addressing the admissibility of the appeals and the question of the making of observations on the appeals, including on the following issues:
 - a) the nature of the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 (ICC-01/04-01/06-2904; hereinafter: “Impugned Decision”); and
 - b) whether Mr Thomas Lubanga Dyilo, who was not ordered to make any specific reparations, and claimants for reparations, including those whose right to participate in the proceedings was withdrawn by virtue of the Trial Chamber’s “Judgment pursuant to Article 74 of the Statute” of 14 March 2012 (ICC-01/04-01/06-2482) as well as those victims who may be affected by an order for collective reparations, have the right to appeal it under article 82 (4) of the Statute.
- (3) The submissions filed pursuant to paragraphs (1) and (2) of the present Directions must comply with regulation 37 of the Regulations of the Court and, in particular, must be no longer than 20 pages each.
- (4) In their submissions filed pursuant to paragraphs (1) and (2) of the present Directions, the Legal Representatives and the Office of Public Counsel for victims, acting on behalf of their respective clients, the Prosecutor and the Trust Fund for Victims may also make submissions on Mr Lubanga Dyilo’s requests for suspensive effect made in the documents filed respectively on 6 and 10 September 2012 (ICC-01/04-01/06-2917 and ICC-01/04-01/06-2919).
- (5) Subject to the decision of the Appeals Chamber on the above-mentioned issues, further directions will be given with regard to the time limits for:

- a) the submission of the documents in support of the appeals and/or responses to the document(s) in support of the appeal(s) to be filed pursuant to regulations 59 and/or 65 (5) of the Regulations of the Court;
- b) requests to be filed pursuant to rule 103 (1) of the Rules of Procedure and Evidence.

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



Judge Erkki Kourula
Presiding Judge

Dated this 17th day of September 2012

At The Hague, The Netherlands