

**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**

**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 Mabile  
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**

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**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

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.



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**Judge Erkki Kourula**  
**Presiding Judge**

Dated this 17th day of September 2012

At The Hague, The Netherlands