



Original: **French**

N°: ICC-01/04-01/06
Date: **3 October 2012**

THE APPEALS CHAMBER

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

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

PUBLIC DOCUMENT

Notice of Appeal lodged by the Defence for Mr Thomas Lubanga against Trial Chamber I's Judgment pursuant to Article 74 of the Statute of 14 March 2012

Source: Defence team for Mr Thomas Lubanga Dyilo

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr Manoj Sachdeva

Counsel for the Defence

Ms Catherine Mabile,
Mr Jean-Marie Biju-Duval
Mr Marc Desalliers
Ms Caroline Buteau

Legal Representatives of the Victims

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

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Victims and Witnesses Unit

Defence Support Section

Detention Section

Victims Participation and Reparations Section

PROCEDURAL BACKGROUND

1. On 15 December 2011, the Chamber issued an order in which it indicated that the Accused and the Prosecutor would be notified of the Article 74 Decision when the French translation was officially notified from the Court by the Registry.¹
2. On 14 March 2012, Trial Chamber I delivered its *Judgment pursuant to Article 74 of the Statute* (“the Judgment”).²
3. On 31 August 2012, the Defence was notified of the French version of the Judgment.³

NOTICE OF APPEAL

4. Pursuant to the provisions of article 81(1)(b), rule 150 and regulation 57 of the Regulations of the Court, the Defence hereby gives notice of appeal against the Decision entered into the record under number ICC-01/04-01/06-2842 as worded in the final operative part thereof at paragraphs 1358 and 1359, and asks that it be set aside.
5. The Defence will set out in its document in support of the appeal, in accordance with regulation 58 of the Regulations of the Court, the grounds of appeal that it intends to raise, as well as the legal and/or factual arguments on which it will rely in support of those grounds.

¹ *Decision on the translation of the Article 74 Decision and related procedural issues*, ICC-01/04-01/06-2834.

² ICC-01/04-01/06-2842.

³ ICC-01/04-01/06-2901.

FOR THESE REASONS, MAY IT PLEASE THE APPEALS CHAMBER TO:

TAKE NOTE of this notice of appeal;

SET ASIDE Trial Chamber I's Decision of 14 March 2012;

And

AQUIT Mr Thomas Lubanga.

[signed]

Ms Catherine Mabilie, Lead Counsel

Done this 3 October 2012, at The Hague