



Original: English

No. ICC-01/04-01/06

Date: 15 June 2015

**THREE JUDGES OF THE APPEALS CHAMBER APPOINTED FOR THE
REVIEW CONCERNING REDUCTION OF SENTENCE**

Before: Judge Silvia Fernández, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

**Scheduling order for the review concerning reduction of sentence of Mr Thomas
Lubanga Dyilo**

Order 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 James Stewart

Counsel for Mr Thomas Lubanga Dyilo
Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of Victims V01
Mr Franck Mulenda
Mr Luc Walley

Legal Representatives of Victims V02
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu

The Office of Public Counsel for Victims
Ms Paolina Massida

REGISTRY

Registrar
Mr Herman von Hebel

Other
The Presidency

The three judges of the Appeals Chamber of the International Criminal Court,

In the review by the Court concerning reduction of sentence of Mr Thomas Lubanga Dyilo pursuant to article 110 of the Statute,

Considering that article 110 (3) of the Statute provides in relevant part that “[w]hen the person has served two thirds of the sentence, [...] the Court shall review the sentence to determine whether it should be reduced” and that this “review shall not be conducted before that time”,

Noting that Mr Thomas Lubanga Dyilo will have served two thirds of the sentence imposed on 16 July 2015,

Noting the criteria for review concerning reduction of sentence set out in article 110 (4) of the Statute and rule 223(a) to (e) of the Rules of Procedure and Evidence,

Noting the procedure for the review concerning reduction of sentence set out in rule 224 (1) of the Rules of Procedure and Evidence

Issues the following

SCHEDULING ORDER

1. A hearing before the three judges for the purpose of the review concerning reduction of sentence of Mr Thomas Lubanga Dyilo will be held in Courtroom I on Thursday, 16 July 2015 at 9h30.
2. The Prosecutor, the Legal Representative of Victims V01, and the Legal Representative of Victims V02 are invited to participate in the hearing.
3. The Registrar shall make the necessary arrangements, in co-operation with counsel for Mr Thomas Lubanga Dyilo, to ensure his attendance at the hearing in person and to provide for any interpretation that may be required.
4. In order to ensure the efficient conduct of the hearing:
 - a. The Registrar shall file written observations on the criteria set out in rule 223 (a) to (e) of the Rules of Procedure and Evidence, by 16h00 on Friday, 3 July 2015. The Registrar shall consult as necessary with any states considered to have potentially relevant information in relation to these criteria; and

- b. Mr Thomas Lubanga Dyilo, the Prosecutor, the Legal Representative of Victims V01, and the Legal Representative of Victims V02 shall file written submissions, of not more than 10 pages in accordance with regulation 36 of the Regulations of the Court, by 16h00 on Friday, 10 July 2015, addressing:
 - i. the following criteria for review concerning reduction of sentence:
 - 1. The early and continuing willingness of Mr Thomas Lubanga Dyilo to cooperate with the Court in its investigations and prosecutions (article 110 (4) (a) of the Statute);
 - 2. The voluntary assistance of Mr Thomas Lubanga Dyilo in enabling the enforcement of the judgments and orders of the Court in other cases, and in particular providing assistance in locating assets subject to orders or fines, forfeiture, or reparation, which may be used for the benefit of victims (article 110 (4) (b) of the Statute); or
 - 3. Other factors, as provided in rule 223 (a) to (e) of the Rules of Procedure and Evidence, establishing a clear and significant change of circumstances sufficient to justify the reduction of sentence (article 110 (4) (c) of the Statute);
 - ii. The observations of the Registrar, as appropriate.
- 5. A further order setting out the precise timetable for the hearing and its conduct will be communicated in due course.
- 6. The Registrar, Mr Thomas Lubanga Dyilo, the Prosecutor, the Legal Representative of Victims V01, and the Legal Representative of Victims V02 shall inform the three judges immediately if any difficulties are encountered that may affect the scheduled date of the hearing.

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

A handwritten signature in black ink, appearing to read 'Silvia Fernández', written over a horizontal line.

Judge Silvia Fernández
Presiding Judge

Dated this 15th day of June 2015

At The Hague, The Netherlands