

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 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

Order refusing a request for reconsideration

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 Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber I ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court" or "ICC"), in the case of *The Prosecutor v. Thomas Lubanga Dyilo* ("*Lubanga case*"), delivers the following Order refusing a request for reconsideration:

1. On 14 March 2012 the Chamber delivered its "Judgment pursuant to Article 74 of the Statute" ("Judgment").¹
2. On 23 March 2012, the Office of Public Counsel for Victims ("OPCV") filed a "Request for reconsideration of Trial Chamber I's decision to withdraw the status of participating victims in the proceedings to a/0047/06, a/0048/06, a/0050/06 and a/0052/06" ("OPCV's request for reconsideration").² In support of its request, the OPCV refers to the Chamber's decision of 20 March 2011, in which the Majority held that "irregular decisions can be varied if they are manifestly unsound and their consequences are manifestly unsatisfactory."³
3. The Chamber considers that the OPCV's request is unwarranted and is without any legal basis. In accordance with the Chamber's decision of 20 March 2011,⁴ the OPCV, which is not entitled to appeal the Judgment

¹ Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842.

² Request for reconsideration of Trial Chamber I's decision to withdraw the status of participating victims in the proceedings to a/0047/06, a/0048/06, a/0050/06 and a/0052/06, 23 March 2012, ICC-01/04-01/06-2845.

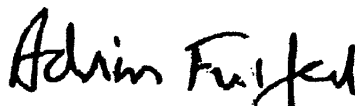
³ Decision on the defence request to reconsider the "Order on numbering of evidence" of 12 May 2010, 30 March 2011, ICC-01/04-01/06-2705, paragraph 18.

⁴ Decision on the defence request to reconsider the "Order on numbering of evidence" of 12 May 2010, 30 March 2011, ICC-01/04-01/06-2705.

under Article 81(1) of the Rome Statute, has failed to advance any arguments that are capable of meeting the test for reconsideration.⁵

4. Consequently, the Chamber rejects *in limine* the OPCV's request for reconsideration.

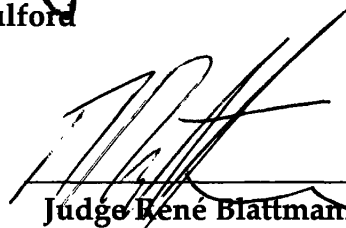
Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 27 March 2012

At The Hague, The Netherlands

⁵ ICC-01/04-01/06-2705, paragraph 18.