



Original: **English**

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

Date: **2 October 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

**Prosecution's Submission on the Corrigendum to the Observations of Legal
Representatives Group V02 filed on 1 October 2012**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabille

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

The Trust Fund for Victims

Mr Pieter de Baan

The Office of Public Counsel for Victims

Ms Paolina Massidda

Ms Sarah Pellet

Mr Dmytro Suprun

REGISTRY

Registrar

Ms Silvana Arbia

Prosecution's Submission

1. On 17 September 2012, the Appeals Chamber issued "Directions on the conduct of the appeal proceedings"¹ in which it invited the Prosecution, the Defence, the Legal Representatives, the Office of Public Counsel for Victims and the Trust Fund to address preliminary issues of admissibility and standing in the appeals against Trial Chamber I's "Decision establishing the principles and procedures to be applied to reparations".²
2. On 1 October 2012, the Legal Representatives of Group V02 filed observations on these issues.³ Thereafter, they filed a corrigendum to their observations, without annexes.⁴ A comparison between the original observations and the corrigendum reveals that the Legal Representatives of Group V02 deleted former paragraph 16(f), deleted the first bullet point of paragraph 18, deleted the second sentence of paragraph 24, and added paragraphs 25, 26 and 40 which contain supplementary arguments.
3. The Appeals Chamber has held that "the purpose of corrigenda is to correct typographical errors. A corrigendum should provide a list of the errors contained in the original document and their specific location within that document, together with the corresponding corrections. A corrigendum may not be used to add or alter the substance of the submissions made in a document. Otherwise, corrigenda could be used by the participants to circumvent time or page limits stipulated in the legal instruments of the Court or by a Chamber."⁵ The filing made by the Legal Representatives does involve substantive amendments to the

¹ ICC-01/04-01/06-2923.

² ICC-01/04-01/06-2904.

³ ICC-01/04-01/06-2931.

⁴ ICC-01/04-01/06-2931-Corr.

⁵ ICC-01/05-01/08-631-Red OA2, 2 December 2009, paras. 38-9. See also, ICC-01/04-01/10-514 OA4, 30 May 2012, para.12.

original document as well as the presentation of new arguments, thereby exceeding the proper scope of a corrigendum.

4. Should the Appeals Chamber decide to reject the Corrigendum filed by the Legal Representatives of Group V02, the Prosecution notes that the original submission was filed within the mandated time limit.



Fatou Bensouda
Prosecutor

Dated this 2nd day of October 2012
At The Hague, The Netherlands