



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  
IN THE 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 *Decision on sentence pursuant to Article 76 of the Statute* of 10 July 2012**

**Source:** Defence team for 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/Reparations**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Victims and Witnesses Unit**

**Defence Support Section**

**Detention Section**

**Victim Participation and Reparations Section**

## PROCEDURAL BACKGROUND

1. On 14 March 2012, Trial Chamber I delivered its *Judgment pursuant to Article 74 of the Statute* (“the Judgment”).<sup>1</sup>
2. On 10 July 2012, Trial Chamber I delivered its *Decision on Sentence pursuant to Article 76 of the Statute* (“the Decision on Sentence”).<sup>2</sup>
3. In its Decision, the Trial Chamber stated that “[...] on the basis of rule 144(2)(b) the Chamber determines that the accused and the prosecution are notified of the Article 76 Decision (for the purposes of an appeal) when the French translation is effectively notified from the Court by the Registry”.<sup>3</sup>
4. On 31 August 2012, the Defence received the official French version of the Decision on Sentence.<sup>4</sup>

## NOTICE OF APPEAL

5. Pursuant to the provisions of article 81(2), rule 150 and regulation 57 of the Regulations of the Court, taken together, the Defence hereby gives notice of appeal against the Decision on Sentence<sup>5</sup> as worded in the final operative part thereof, and asks that it be set aside.
6. The Defence will set out in its document in support of appeal, in accordance with Regulation 58 of the Rules of Court, the grounds of appeal which it intends to raise, as well as the legal and/or factual arguments on which it will rely in support of those grounds.

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<sup>1</sup> ICC-01/04-01/06-2842.

<sup>2</sup> ICC-01/04-01/06-2901.

<sup>3</sup> ICC-01/04-01/06-2901, para. 109.

<sup>4</sup> ICC-01/04-01/06-2901.

<sup>5</sup> Entered into the record under number ICC-01/04-01/06-2901 and dated 10 July 2012.

**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 10 July 2012;

And

SET ASIDE or REDUCE the sentence handed down against Mr Lubanga.

[signed]

**Ms Catherine Mabilie, Lead Counsel**

Done this 3 October 2012, at The Hague