

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-01/04-01/06**
Date: **18 December 2017**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Péter Kovács

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

Public Document

Defence Request to correct a substantive error in the "*Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu*" notified on 15 December 2017

Source: Defence Team for Mr Thomas Lubanga

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

Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

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Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Trust Fund for Victims

Mr Pieter de Baan

Victims Participation and Reparations

Section

Mr Philipp Ambach

1. On 22 November 2017, Trial Chamber II (“Chamber”) set the date of 15 December 2017 for the delivery of the decision on the amount of Thomas Lubanga Dyilo’s liability for reparations.¹
2. At the hearing held on 15 December 2017, the Chamber referred to a term of 15 years’ imprisonment to which Mr Lubanga was sentenced by Trial Chamber I.²
3. The parties were notified of the “*Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu*”³ (“Decision”) on 15 December 2017, with three annexes.⁴
4. Paragraph 2 of the Decision, in both the redacted and confidential versions, refers to a sentence of 15 years’ imprisonment imposed on Mr Lubanga.
5. Annex I of the Decision also refers to this sentence.⁵
6. However, as set out in the “Decision on Sentence pursuant to Article 76 of the Statute”,⁶ Mr Lubanga was sentenced to 14 years’ imprisonment.
7. Accordingly, the Defence requests that the parties be notified of a corrected version of the Decision and its Annex I so that the substantive error in paragraph 2 thereof may be corrected.

¹ “Order Setting the Date for the Delivery of the Decision on the Amount of Thomas Lubanga Dyilo’s Liability for Reparations”, 22 November 2017, ICC-01/04-01/06-3378-tENG.

² ICC-01/04-01/06-T-369-FRA ET WT 15-12-2017, p. 4, lines 4-5.

³ ICC-01/04-01/06-3379-Conf.

⁴ ICC-01/04-01/06-3379-AnxI; ICC-01/04-01/06-3379-Conf-AnxII-Red; ICC-01/04-01/06-3379-AnxIII.

⁵ ICC-01/04-01/06-3379-AnxI, para. 2.

⁶ “Decision on Sentence pursuant to Article 76 of the Statute”, 10 July 2012, ICC-01/04-01/06-2901, para. 107.

FOR THESE REASONS, MAY IT PLEASE TRIAL CHAMBER II TO:

ADMIT this request;

and

NOTIFY a corrected version of the "*Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu*" ICC-01/04-01/06-3379-Conf and ICC-01/04-01/06-3379-Red, as well as Annex I "*Rappel de procédure*" ICC-01/04-01/06-3379-AnxI;

RULE that the time limit for appeal shall begin on the date of notification of the corrected version of the "*Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu*".

[signed]

Ms Catherine Mabile, Lead Counsel

Dated this 18 December 2017,

at The Hague