

## **ANNEX 2**

## PROCEDURAL HISTORY

### A. Proceedings before the Trial Chamber

1. On 14 March 2012, Trial Chamber I rendered the Conviction Decision<sup>1</sup> in the case of the *Prosecutor v. Thomas Lubanga Dyilo*, appending the Separate Opinion of Judge Adrian Fulford<sup>2</sup> and the Separate and Dissenting Opinion of Judge Elizabeth Odio Benito.<sup>3</sup> In the Conviction Decision Trial Chamber I, *inter alia*, 1) found Mr Lubanga guilty of the crimes of conscripting and enlisting children under the age of fifteen years into the FPLC<sup>4</sup> and using them to participate actively in hostilities within the meaning of articles 8 (2) (e) (vii) and 25 (3) (a) of the Statute from early September 2002 to 13 August 2003<sup>5</sup>, 2) withdrew, by majority, the right of six witnesses to participate in the proceedings as victims,<sup>6</sup> and 3) withdrew the right of three victims to participate in the proceedings.<sup>7</sup>

2. Also on 14 March 2012, the Trial Chamber issued the Sentencing and Reparations Scheduling Order<sup>8</sup> in which it, *inter alia*, 1) ordered the Registrar and Trust Fund to file public redacted versions of the Trust Fund's First Report on Reparations and the Second Report of the Registrar on Reparations<sup>9</sup> and 2) invited the parties and participants, as well as the Trust Fund and the Registry, to file, by 18 April 2012, submissions/observations on the principles and procedure to be applied by the Trial Chamber with regard to reparations.<sup>10</sup>

3. On 28 March 2012, the Registrar filed the First Report on Applications for Reparations<sup>11</sup> in which she recommended that "the OPCV be appointed to represent the unrepresented applicants for reparations and any new applicant that may apply for

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<sup>1</sup> See Annex 1; with Annex A, "Procedural Background", ICC-01/04-01/06-2842-AnxA, and Annex B, "List of Acronyms", ICC-01/04-01/06-2842-AnxB, available at, respectively: <http://www.legaltools.org/doc/b04157/> and: <http://www.legal-tools.org/doc/9efff5/>. On 14 March 2012, the Trial Chamber issued the "Summary of the 'Judgment pursuant to Article 74 of the Statute'", ICC-01/04-01/06-2843, available at: <http://www.legal-tools.org/doc/99d5ee/>. On 31 August 2012, the parties were notified of the French version of the Conviction Decision. See "Jugement rendu en application de l'article 74 du Statut", ICC-01/04-01/06-2842-tFRA, available at: <http://www.legal-tools.org/doc/6d72b5/>.

<sup>2</sup> See Annex 1.

<sup>3</sup> See Annex 1.

<sup>4</sup> See Annex 1.

<sup>5</sup> [Conviction Decision](#), para. 1358.

<sup>6</sup> [Conviction Decision](#), para. 1362.

<sup>7</sup> [Conviction Decision](#), para. 1363.

<sup>8</sup> See Annex 1, [Sentencing and Reparations Scheduling Order](#).

<sup>9</sup> [Sentencing and Reparations Scheduling Order](#), para. 5. See Annex 1.

<sup>10</sup> [Sentencing and Reparations Scheduling Order](#), paras 8-9.

<sup>11</sup> See Annex 1.

reparations”.<sup>12</sup> On the same day, the Registrar also transmitted the requests for reparations received to date to the Trial Chamber.<sup>13</sup> On 5 April 2012, the Trial Chamber instructed the Registry to appoint the OPCV as the legal representatives for all unrepresented applicants and instructed the OPCV to file submissions on their behalf.<sup>14</sup> The Trial Chamber also decided that the OPCV may “represent the interests of victims who have not submitted applications but who may benefit from an award for collective reparations” and instructed the OPCV to file observations on their behalf.<sup>15</sup>

4. On 28 March 2012, five organisations<sup>16</sup> requested leave to make representations in the reparations proceedings,<sup>17</sup> which was granted on 20 April 2012.<sup>18</sup> On 10 May 2012, four of those five organisations submitted their respective observations on the reparations proceedings.<sup>19</sup>

5. On 18 April 2012, the OPCV,<sup>20</sup> the Legal Representatives of Victims V01,<sup>21</sup> the Registrar,<sup>22</sup> Mr Lubanga,<sup>23</sup> the Prosecutor,<sup>24</sup> and the Legal Representatives of Victims V02<sup>25</sup> submitted their respective observations. On 25 April 2012, the Trust Fund submitted its observations<sup>26</sup> after having sought an extension of time to do so.<sup>27</sup>

<sup>12</sup> [Registrar’s First Report on Applications for Reparations](#), para. 20.

<sup>13</sup> See Annex 1, [Registrar’s First Transmission of Applications for Reparations](#).

<sup>14</sup> See Annex 1, [Decision on OPCV’s Request for Leave to Participate](#), para. 13. This decision was taken in response to the [OPCV’s Request to Leave To Participate](#). See Annex 1.

<sup>15</sup> Decision on OPCV’s Request for Leave to Participate, paras 12-13.

<sup>16</sup> The relevant organisations are the Women’s Initiatives, the ICTJ, UNICEF, the FOCDP and ASF, the latter also representing four other organisations, namely *JusticePlus*, *Terre des Enfants*, *Centre Pelican*, *Journalistes en action pour la Paix*, and *Fédération des Jeunes pour la Paix Mondiale*.

<sup>17</sup> See Annex 1, [Women’s Initiatives’ Request for Leave to Participate](#); [ICTJ’s Request for Leave to Participate](#); [UNICEF’s Request for Leave to Participate](#); [FOCDP’s Request for Leave to Participate](#); [ASF’s Request for Leave to Participate](#). On 29 March 2012, the submissions of UNICEF, FOCDP and ASF were transmitted from the Registry to the Trial Chamber. See [Registrar’s Transmission of NGOs’ Requests for Leave to Participate](#). On 3 April 2012, the Registry, per the Trial Chamber’s instruction, reclassified the ASF’s Request for Leave to Participate as public.

<sup>18</sup> See Annex 1, [Decision on Leave to Participate](#), para. 22.

<sup>19</sup> See Annex 1, [Women’s Initiatives’ Observations on Reparations](#); [NGO’s Joint Observations on Reparations](#); [UNICEF’s Submissions on Reparations](#); [ICTJ’s Submissions on Reparations](#). The FOCDP did not submit any observations.

<sup>20</sup> See Annex 1, [OPCV’s Observations on Reparations](#).

<sup>21</sup> See Annex 1, [Legal Representatives of Victims V01’s Observations on Reparations](#).

<sup>22</sup> See Annex 1, [Registrar’s Observations on Reparations](#).

<sup>23</sup> See Annex 1, [Mr Lubanga’s Submissions on Reparations](#).

<sup>24</sup> See Annex 1, [Prosecutor’s Submissions on Reparations](#).

<sup>25</sup> See Annex 1, [Legal Representatives of Victims V02’s Observations on Reparations](#).

<sup>26</sup> See Annex 1, [Trust Fund’s Observations on Reparations](#).

<sup>27</sup> See Annex 1, [Trust Fund’s Request for Extension of Time to Submit Observations](#).

6. On 25 May 2012, Mr Lubanga submitted his response to the submissions of the parties and participants in relation to the principles and procedures on reparations.<sup>28</sup> On the same day, the Legal Representatives of Victims V02 submitted their response to the submissions on reparations made by the other parties and participants.<sup>29</sup>

7. On 10 July 2012, the Trial Chamber rendered, by majority, the Sentencing Decision, Judge Odio Benito dissenting,<sup>30</sup> in which the Majority sentenced Mr Lubanga to a total period of 14 years of imprisonment.<sup>31</sup>

8. On 7 August 2012, the Trial Chamber rendered the Impugned Decision.<sup>32</sup> It decided, *inter alia*, 1) to issue principles on reparations pursuant to article 75 (1) of the Statute, 2) not to examine any individual application forms for reparations but, rather, have them transferred to the Trust Fund, 3) to remain seized of the reparations proceedings, “in order to exercise any necessary monitoring and oversight functions”, including the review of any collective reparations proposals, and 4) not to issue any specific orders to the Trust Fund on the implementation of reparations that are to be funded using voluntary contributions.<sup>33</sup>

9. On 13 August 2012, Mr Lubanga requested leave to appeal the Impugned Decision pursuant to article 82 (1) (d) of the Statute on the basis of eight issues,<sup>34</sup> which was granted on 29 August 2012 in relation to four of the eight issues raised.<sup>35</sup> The Trial Chamber held:

The Chamber repeats and emphasises that the Decision of 7 August 2012 does not constitute an “order for reparations” in the sense of Article 82(4), given reparations were not ordered in the Decision. Rather, the Decision establishes principles and procedures relating to reparations, pursuant to Article 75(1).<sup>36</sup>

<sup>28</sup> See Annex 1, [Mr Lubanga’s Reply to the Parties and Participant’s Observations on Reparations](#).

<sup>29</sup> See Annex 1, [Legal Representatives of Victims V02’s Reply to the Parties and Participants’ Observations on Reparations](#).

<sup>30</sup> “Dissenting Opinion of Judge Odio Benito”, [Sentencing Decision](#), pp. 41-52.

<sup>31</sup> [Sentencing Decision](#), para. 107.

<sup>32</sup> See Annex 1.

<sup>33</sup> [Impugned Decision](#), para. 289.

<sup>34</sup> See Annex 1, [Mr Lubanga’s Request for Leave to Appeal](#).

<sup>35</sup> See Annex 1, [Decision on Mr Lubanga’s Request for Leave to Appeal](#), paras 30, 32-33, 35-36, 38-40.

<sup>36</sup> [Decision on Mr Lubanga’s Request for Leave to Appeal](#), para. 20.

## B. Proceedings before the Appeals Chamber

10. On 24 August 2012, the OPCV jointly with the Legal Representatives of Victims V02 filed an appeal pursuant to article 82 (4) of the Statute against the Impugned Decision.<sup>37</sup>

11. On 3 September 2012, the Legal Representatives of Victims V01 filed an appeal pursuant to article 82 (4) of the Statute against the Impugned Decision.<sup>38</sup>

12. On 6 September 2012, Mr Lubanga filed an appeal against the Impugned Decision pursuant to article 82 (4) of the Statute.<sup>39</sup> On the same day, the Appeals Chamber designated Judge Erkki Kourula as the Presiding Judge for the *Lubanga A A 2* appeals.<sup>40</sup>

13. On 10 September 2012, Mr Lubanga filed the document in support of his appeal under article 82 (1) (d) of the Statute.<sup>41</sup> On 13 September 2012, the OPCV filed a request regarding victim participation in this appeal,<sup>42</sup> submitting that the victims should be automatically allowed to participate and requesting that the Appeals Chamber revise its prior practice in relation to victim participation in appeals under article 82 (1) (d) of the Statute.<sup>43</sup> On 5 October 2012, Mr Lubanga responded, requesting that the Appeals Chamber deny the OPCV's request.<sup>44</sup>

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<sup>37</sup> See Annex 1, [OPCV and Legal Representatives of Victims V02's Notice of Appeal](#). The Appeals Chamber notes that, at the time of the filing of this document, the OPCV was temporarily representing the clients of one of the legal representatives, Mr Joseph Keta Orwinyo, who had been suspended and who resumed his practice before the Court as of 24 September 2012. See [Registrar's Notification of End of Mr Keta's Suspension](#).

<sup>38</sup> See Annex 1, [Legal Representatives of Victims V01's Notice of Appeal A2](#).

<sup>39</sup> See Annex 1, [Mr Lubanga's Notice of Appeal A3](#).

<sup>40</sup> "Decision on the Presiding Judge of the Appeals Chamber in the appeals filed by Ms Carine Bapita Buyangandu, Mr Paul Kabongo Tshibangu and the Office of Public Counsel for victims as well as by Mr Luc Walley and Mr Franck Mulenda against the decision of Trial Chamber I entitled 'Decision establishing the principles and procedures to be applied to reparations'", ICC-01/04-01/06-2916 (A A2), available at: <https://www.legal-tools.org/doc/02621f/>. Prior to this, on 29 August and 4 September 2012, the Presidency temporarily attached Judge Ekaterina Trendafilova to the Appeals Chamber for the purposes of the *Lubanga A* and *A2* appeals. See "Decision replacing a judge in the Appeals Chamber", ICC-01/04-01/06-2912 (A), available at <https://www.legal-tools.org/doc/de7fcf/>. The document was filed with Annex 1, Request for recusal of 15 July 2010, ICC-01/04-01/06-2912-Anx1 (A), available at: <https://www.legal-tools.org/doc/265f6a/> and Annex 2, Decision granting the request for recusal of 15 July 2010, ICC-01/04-01/06-2912-Anx2 (A), available at: <https://www.legal-tools.org/doc/e1ed72/>. See also "Decision replacing a judge in the Appeals Chamber", ICC-01/04-01/06-2915 (A2), available at <https://www.legal-tools.org/doc/ec5b31/>. The document was filed with Annex 1, Request for recusal of 15 July 2010, ICC-01/04-01/06-2915-Anx1 (A2), available at: <https://www.legal-tools.org/doc/53cf8b/> and Annex 2, Decision granting the request for recusal of 15 July 2010, ICC-01/04-01/06-2915-Anx2 (A2), available at: <https://www.legal-tools.org/doc/9c2ccd/>.

<sup>41</sup> See Annex 1, [Mr Lubanga's Document in Support of the Appeal OA21](#).

<sup>42</sup> See Annex 1, [OPCV's Application to Participate in Mr Lubanga's Appeal OA21](#).

<sup>43</sup> [OPCV's Application to Participate in Mr Lubanga's Appeal OA21](#), para. 13.

<sup>44</sup> See Annex 1, [Mr Lubanga's Response to OPCV's Request](#).

14. On 11 September 2012, the Appeals Chamber designated Judge Erkki Kourula as the Presiding Judge for the *Lubanga A 3* appeal.<sup>45</sup> On 14 September 2012, the Appeals Chamber designated Judge Erkki Kourula as the Presiding Judge for the *Lubanga OA 21* appeal.<sup>46</sup>

15. On 17 September 2012, the Appeals Chamber issued its directions<sup>47</sup> inviting the potential parties and participants to the proceedings to file observations addressing “whether the appeals are admissible and who should make submissions or submit observations on the appeals”.<sup>48</sup> The Appeals Chamber set the time limit for these submissions to 1 October 2012 and reminded the potential parties and participants that any submissions filed must comply with regulation 37 of the Regulations of the Court, particularly with the 20 page limit.<sup>49</sup>

16. On 21 September 2012, the Prosecutor filed her response to Mr Lubanga’s appeal under article 82 (1) (d) of the Statute.<sup>50</sup> On 8 October 2012, Mr Lubanga requested the Appeals Chamber to declare the Prosecutor’s response inadmissible on the basis that “the Prosecutor has no grounds on which to intervene in any way whatsoever in the [appeals] proceedings”.<sup>51</sup> On 12 October 2012, the Prosecutor requested the Appeals Chamber to dismiss Mr Lubanga’s request arguing notably that, although not clearly provided in article 82 (1) (d) of the Statute, “in the instant case, the Prosecution has been engaged by both Chambers on issues relevant to reparations”.<sup>52</sup>

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<sup>45</sup> “Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Thomas Lubanga Dyilo filed on 6 September 2012 against the decision of Trial Chamber I entitled ‘Decision establishing the principles and procedures to be applied to reparations’”, ICC-01/04-01/06-2920 (A3), available at: <https://www.legal-tools.org/doc/4c8a07/>. Prior to this, on 7 September 2012, the Presidency temporarily attached Judge Ekaterina Trendafilova to the Appeals Chamber for the purposes of the *Lubanga A 3* appeal. See “Decision replacing a judge in the Appeals Chamber”, ICC-01/04-01/06-2918 (A3), available at <https://www.legal-tools.org/doc/e802ed/>. The document was filed with Annex I, Request for recusal of 15 July 2010, ICC-01/04-01/06-2918-AnxI (A3), available at: <https://www.legal-tools.org/doc/854d64/> and Annex II, Decision granting the request for recusal of 15 July 2010, ICC-01/04-01/06-2918-AnxII (A3), available at: <https://www.legal-tools.org/en/doc/8559f8/>.

<sup>46</sup> “Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Thomas Lubanga Dyilo pursuant to the Trial Chamber’s ‘Decision on the defence request for leave to appeal the Decision establishing the principles and procedures to be applied to reparations’(ICC-01/04-01/06-2911)”, ICC-01/04-01/06-2922 (OA 21), available at: <https://www.legal-tools.org/doc/7de2eb/>.

<sup>47</sup> See Annex 1, [Appeal Proceedings Directions](#).

<sup>48</sup> [Appeal Proceedings Directions](#), p. 3.

<sup>49</sup> [Appeal Proceedings Directions](#), p. 4.

<sup>50</sup> See Annex 1, [Response to Mr Lubanga’s Appeal OA 21](#). The document was filed with Annex, List of Authorities, ICC-01/04-01/06-2924-Anx (OA 21), available at <https://www.legal-tools.org/doc/8d8756/>.

<sup>51</sup> [Mr Lubanga’s Request Against Prosecutor’s Response to Mr Lubanga’s Appeal OA 21](#), p. 5.

<sup>52</sup> See Annex 1, [Prosecutor’s Response to Mr Lubanga’s Request](#), para. 9.

17. On 28 September 2012, the Legal Representatives of Victims V01 filed their observations on the admissibility of the appeals.<sup>53</sup> On 1 October 2012, Mr Lubanga,<sup>54</sup> the Trust Fund,<sup>55</sup> the Prosecutor,<sup>56</sup> the OPCV<sup>57</sup> and the Legal Representatives of Victims V02<sup>58</sup> also filed their respective observations on the admissibility of the appeals.

18. On 2 October 2012, the Prosecutor filed her submission on the Observations of Legal Representatives of Victims V02 on the Admissibility of the Appeals.<sup>59</sup>

19. On 14 December 2012, the Appeals Chamber delivered the Admissibility Decision.<sup>60</sup> It concluded that the interlocutory appeal filed by Mr Lubanga under article 82(1) (d) of the Statute was inadmissible, whereas the appeals against the Impugned Decision under article 82 (4) of the Statute filed, respectively, by the OPCV jointly with the Legal Representatives of Victims V02, the Legal Representatives of Victims V01, and Mr Lubanga, were admissible.<sup>61</sup> The Appeals Chamber declared inadmissible the appeal filed by the OPCV on behalf of unidentified individuals who had not applied for reparations, but whose interests might be affected by collective reparations.<sup>62</sup> Moreover, the Appeals Chamber invited the OPCV jointly with the Legal Representatives of Victims V02, the Legal Representatives of Victims V01 and Mr Lubanga to submit their respective documents in support of the appeals against the Impugned Decision by 5 February 2013, as well as to submit their respective responses in relation thereto by 8 April 2013.<sup>63</sup> The Trust Fund was also invited to submit observations on the appeals by 8 April 2013.<sup>64</sup> The Appeals Chamber further concluded that the Prosecutor was not a party to the appellate proceedings<sup>65</sup> and granted the request for suspensive effect of the Impugned Decision.<sup>66</sup>

<sup>53</sup> See Annex 1, [Observations of Legal Representatives of Victims V01 on the Admissibility of the Appeals](#).

<sup>54</sup> See Annex 1, [Observation of Mr Lubanga on the Admissibility of the Appeals](#).

<sup>55</sup> See Annex 1, [Observations of Trust Fund on the Admissibility of the Appeals](#).

<sup>56</sup> See Annex 1, [Observations of Prosecutor on the Admissibility of the Appeals](#).

<sup>57</sup> See Annex 1, [Observations of OPCV on the Admissibility of the Appeals](#).

<sup>58</sup> See Annex 1, [Observations of Legal Representatives of Victims V02 on the Admissibility of the Appeals](#).

<sup>59</sup> See Annex 1, [Prosecutor's Submission on Observations of Legal Representatives of Victims V02 on the Admissibility of the Appeals](#).

<sup>60</sup> See Annex 1.

<sup>61</sup> [Admissibility Decision](#), p. 3.

<sup>62</sup> [Admissibility Decision](#), p. 4.

<sup>63</sup> [Admissibility Decision](#), p. 4.

<sup>64</sup> [Admissibility Decision](#), p. 4.

<sup>65</sup> [Admissibility Decision](#), para. 74.

<sup>66</sup> [Admissibility Decision](#), p. 4.

20. On 5 February 2013, the OPCV jointly with the Legal Representatives of Victims V02,<sup>67</sup> the Legal Representatives of Victims V01<sup>68</sup> and Mr Lubanga<sup>69</sup> submitted their respective documents in support of the appeals against the Impugned Decision.

21. On 20 February 2013, Mr Lubanga filed with the Presidency a request for the recusal of Judge Sang-Hyun Song from all of the final appeals stemming from the case against Mr Lubanga,<sup>70</sup> namely the *Lubanga A*,<sup>71</sup> A 2,<sup>72</sup> A 3,<sup>73</sup> A 4,<sup>74</sup> A 5<sup>75</sup> and A 6<sup>76</sup> appeals. On 11 June 2013, the Presidency notified the parties that the plenary of judges by absolute majority of thirteen, with one judge dissenting, dismissed Mr Lubanga's request for disqualification of Judge Sang-Hyun Song.<sup>77</sup>

<sup>67</sup> See Annex 1, [OPCV and Legal Representatives of Victims V02's Document in Support of the Appeal](#).

<sup>68</sup> See Annex 1, [Legal Representatives of Victims V01's Document in Support of the Appeal](#).

<sup>69</sup> See Annex 1, [Mr Lubanga's Document in Support of the Appeal A3](#).

<sup>70</sup> "Corrigendum to Defence application for the disqualification of Judge Sang-Hyun Song", ICC-01/04-01/06-2981-tENG-Corr (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/cd524d/>; with Annex, ICC-01/04-01/06-2981-tENG-Corr-Anx (A A2 A3 A4 A5 A6), available at <https://www.legal-tools.org/doc/26940c/>; Annex 1, ICC-01/04-01/06-2981-Anx1 (A A2 A3 A4 A5 A6), available in French only, at: <https://www.legal-tools.org/doc/6aeed1/>; Annex 2, ICC-01/04-01/06-2981-Anx2 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/3faed5/>; Annex 3, ICC-01/04-01/06-2981-Anx3 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/en/doc/240efc/>; Annex 4, ICC-01/04-01/06-2981-Anx4 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/87b15c/>; and Annex 5, ICC-01/04-01/06-2981-Anx5 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/1216ab/>. On 11 March 2013, the Presidency issued the "Notification concerning the 'Corrigendum to Defence application for the disqualification of Judge Sang Hyun Song' dated 20 February 2013", ICC-01/04-01/06-2996 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/1cc5a9/>; with Annex 1, Request for Excusal from the Presidency, ICC-01/04-01/06-2996-Anx1 (A A2 A3 A4 A5 A6), available at <https://www.legal-tools.org/doc/99d1b9/>; Annex 2, Decision Request for Excusal from the Presidency, ICC-01/04-01/06-2996-Anx2 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/596f64/>; Annex 3, Written Submissions on Mr Lubanga's Application for My Disqualification, ICC-01/04-01/06-2996-Anx3 (A A2 A3 A4 A5 A6), available at: <https://www.legal-tools.org/doc/a18a7e/>; and Annex 4, Carrying Out Responsibilities of the Presidency Pursuant to Regulation 11(2) of the Regulations of the Court, ICC-01/04-01/06-2996-Anx4 (A A2 A3 A4 A5A6), available at: <https://www.legal-tools.org/doc/c0d768/>.

<sup>71</sup> See Annex 1, [OPCV and Legal Representatives of Victims V02's Notice of Appeal](#).

<sup>72</sup> See Annex 1, [Legal Representatives of Victims V01's Notice of Appeal A2](#).

<sup>73</sup> See Annex 1, [Mr Lubanga's Notice of Appeal A3](#).

<sup>74</sup> See "Prosecution's Notice of Appeal against Trial Chamber I's 'Decision on Sentence pursuant to Article 76 of the Statute'", 3 October 2012, ICC-01/04-01/06-2933, available at: <https://www.legal-tools.org/doc/2f9402/>.

<sup>75</sup> See "Notice of Appeal lodged by the Defence for Mr Thomas Lubanga against Trial Chamber I's *Judgment pursuant to Article 74 of the Statute* of 14 March 2012", 3 October 2012, ICC-01/04-01/06-2934-tENG, available at: <http://www.legal-tools.org/doc/1f2f55/>.

<sup>76</sup> "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", 3 October 2012, ICC-01/04-01/06-2935-tENG (A6), available at: <https://www.legal-tools.org/doc/3353fd/>.

<sup>77</sup> "Notification of the decision on the Defence Application for the disqualification of Judge Sang-Hyun Song from the case of *The Prosecutor v. Thomas Lubanga Dyilo*", ICC-01/04-01/06-3040 (A A2 A3 A4 A5 A6), available at <https://www.legal-tools.org/doc/fce554/>; with Annex, ICC-01/04-01/06-3040-Anx (A A2 A3 A4 A5 A6) available at <https://www.legal-tools.org/doc/329b4b/>.



22. On 8 March 2013, the Women's Initiatives<sup>78</sup> and the NGOs Justice Plus, Terre des Enfants, Fédération des Jeunes pour la Paix Mondiale and ASF,<sup>79</sup> which were previously granted leave by the Trial Chamber to make representations in the reparations proceedings,<sup>80</sup> requested leave under rule 103 of the Rules of Procedure and Evidence to submit observations on the appeals. On 14 March 2013, Mr Lubanga requested leave to respond to the requests for leave to submit *amici curiae* observations<sup>81</sup> and on 26 March 2013, the Appeals Chamber invited Mr Lubanga, the OPCV jointly with the Legal Representatives of Victims V02, as well as the Legal Representatives of Victims V01, to file, by 9 April 2013, responses to the aforementioned requests.<sup>82</sup> On 8 and 9 April 2013, respectively, the Legal Representatives of Victims V01 and Mr Lubanga filed their response to the requests to intervene as *amici curiae*.<sup>83</sup>

23. On 7 and 8 April 2013, respectively, the Legal Representatives of Victims V01 and the OPCV jointly with the Legal Representatives of Victims V02 submitted their response to Mr Lubanga's Document in Support of the Appeal A3.<sup>84</sup> Also on 8 April 2013, the Trust Fund filed its observations on the appeals<sup>85</sup> and Mr Lubanga filed his consolidated response to the documents in support of the appeals filed by the Legal Representatives of Victims V01, and the OPCV jointly with the Legal Representatives of Victims V02.<sup>86</sup>

24. On 9 April 2013, the Prosecutor filed a request for transmission by the Victims Participation and Reparations Section of the application for reparations of victim a/0078/06.<sup>87</sup> On 16 April 2013, the Appeals Chamber issued an order informing the Legal Representatives of victim a/0078/06 and Victims Participation and Reparations Section that they could file observations on the Prosecutor's Request for Transmission.<sup>88</sup> On 29 April 2014, the OPCV

<sup>78</sup> See Annex 1, [Women's Initiatives' Request for Leave to Intervene as Amicus Curiae](#).

<sup>79</sup> See Annex 1, [NGO's Applications for Leave to Intervene as Amici Curiae](#).

<sup>80</sup> See [Decision on Leave to Participate](#), para. 22.

<sup>81</sup> See Annex 1, Mr Lubanga's Request for Leave to Reply to Applications for Leave to Intervene as Amici Curiae.

<sup>82</sup> See Annex 1, [Order to Submit Observations on Applications for Leave to Intervene as Amici Curiae](#).

<sup>83</sup> See Annex 1, [Legal Representatives of Victims V01's Response to Applications to Intervene as Amici Curiae; Mr Lubanga's Observations on the Requests to Intervene as Amici Curiae](#).

<sup>84</sup> See Annex 1, [Legal Representatives of Victims V01's Response to Mr Lubanga's Document in Support of the Appeal A3; OPCV and Legal Representatives of Victims V02's Joint Response to Mr Lubanga's Document in Support of the Appeal A3](#).

<sup>85</sup> See Annex 1, [Observations of the Trust Fund](#).

<sup>86</sup> See Annex 1, [Mr Lubanga's Response to the Legal Representatives of Victims' Documents in Support of the Appeal A A2](#).

<sup>87</sup> See Annex 1, [Prosecutor's Request for Transmission](#).

<sup>88</sup> See Annex 1, [Order on Prosecutor's Request for Transmission](#).

jointly with the Legal Representatives of Victims V02 filed their observations on the Prosecutor's Request for Transmission.<sup>89</sup> On 26 May 2014, the Appeals Chamber granted the Prosecutor's Request for Transmission.<sup>90</sup>

25. On 19 April 2013, Mr Lubanga requested leave to reply to the OPCV and Legal Representatives of Victims V02's Joint Response to Mr Lubanga's Document in Support of the Appeal A3.<sup>91</sup> On 25 April 2013, the OPCV and the Legal Representatives of Victims V02 filed their Joint Response to Mr Lubanga's Request for Leave to Reply.<sup>92</sup> On 24 May 2013, the Appeals Chamber granted Mr Lubanga's Request for Leave to Reply to OPCV and Legal Representatives of Victims V02's Joint Response to Mr Lubanga's Document in Support of the Appeal A3.<sup>93</sup> On 29 May 2013, Mr Lubanga filed his Reply to OPCV and Legal Representatives of Victims V02's Joint Response to Mr Lubanga's Document in Support of the Appeal A3.<sup>94</sup>

26. On 1 December 2014, the Appeals Chamber confirmed the Conviction Decision and the Sentencing Decision, Judge Anita Ušacka dissenting and Judge Sang-Hyun Song partly dissenting.<sup>95</sup>

27. On 24 February 2015, the Appeals Chamber issued the "Scheduling Order for the delivery of the judgment on the appeals against the decision of Trial Chamber I entitled 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012".<sup>96</sup>

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<sup>89</sup> See Annex 1, OPCV and Legal Representatives of Victims V02's Observations on Prosecutor's Request for Transmission.

<sup>90</sup> See Annex 1, [Second Order on Prosecutor's Request for Transmission](#).

<sup>91</sup> See Annex 1, [Mr Lubanga's Request for Leave to Reply to OPCV and Legal Representatives of Victims V02's Joint Response to Mr Lubanga's Document in Support of the Appeal A 3](#).

<sup>92</sup> See Annex 1.

<sup>93</sup> See Annex 1, [Order on Mr Lubanga's Request to Reply](#).

<sup>94</sup> See Annex 1.

<sup>95</sup> See Annex 1, [Lubanga Conviction Judgment](#) and [Lubanga Sentencing Judgment](#).

<sup>96</sup> ICC-01/04-01/06-3127 (A A2 A3), available at: <https://www.legal-tools.org/doc/87084e/>.