



Original : **French**

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

Date : **2 August 2010**

THE APPEALS CHAMBER

Before :

Judge Sang-Hyung Song, Presiding Judge
Judge Erkki Kourula
Judge Anita Ušacka
Judge Daniel David Ntanda Nsereko
Judge Sanji Mmasenono Monageng

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

PUBLIC DOCUMENT

**Defence Observations on the Applications from the Victims to Participate in the
 Appeal against the Decision of 15 July 2010 on the Release of Mr Thomas
 Lubanga**

Source: Mr Thomas Lubanga Dyilo's Defence Team

Document 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

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Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Ms Paolina Massidda

Mr Hervé Diakiese

Mr Joseph Keta Orwinyo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

BACKGROUND

1. On 8 July 2010, the Trial Chamber ordered a stay in the proceedings against Mr Thomas Lubanga.¹
2. On 15 July 2010, the Trial Chamber ordered the release of Mr Thomas Lubanga.²
3. On 16 July 2010, the Prosecutor announced his intention of appealing the decision ordering the release of Mr Thomas Lubanga.³
4. On 22, 23 and 26 July 2010, the Defence received three applications⁴ from the Legal Representatives of Victims for leave to participate in the appeal against the decision ordering the release of Mr Thomas Lubanga.
5. On 30 July 2010, the Prosecutor filed his statement of grounds of appeal.⁵

OBSERVATIONS

6. The Defence does not wish to respond to the applications for participation submitted by the victims in the appeal lodged by the Prosecutor against the decision ordering the release of Mr Thomas Lubanga.⁶
7. If the victims are permitted to participate in the appeal lodged against the decision ordering the release of Mr Thomas Lubanga, the Defence reserves

¹ ICC-01/04-01/06-2517-Conf.

² ICC-01/04-01/06-T-314.

³ ICC-01/04-01/06-2522.

⁴ ICC-01/04-01/06-2533-Conf, ICC-01/04-01/06-2535, and ICC-01/04-01/06-2537.

⁵ ICC-01/04-01/06-2544-Conf.

⁶ Reference Nos. ICC-01/04-01/06-2533-Conf, ICC-01/04-01/06-2535 and ICC-01/04-01/06-2537.

the right to respond to the observations of the Legal Representatives on the merits of the appeal.

FOR THESE REASONS, MAY IT PLEASE THE APPEALS CHAMBER:

TO TAKE FORMAL NOTE of these observations.

Ms Catherine Mabilie, Principal Counsel

[signed]

Dated this 2 August 2010

At The Hague, The Netherlands