



Original: **English**

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

Date: **14 August 2015**

**THREE JUDGES OF THE APPEALS CHAMBER APPOINTED FOR THE REVIEW
CONCERNING REDUCTION OF SENTENCE**

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

IN THE CASE OF

THE PROSECUTOR

v. THOMAS LUBANGA DYILO

**Public
with public annexes A and B**

**Prosecution's notice regarding material to be used at the hearing for the review
concerning reduction of sentence of Mr Thomas Lubanga Dyilo**

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

Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Mr Fabricio Guariglia

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval
Ms Caroline Buteau

Legal Representatives of Victims V01

Mr Franck Mulenda
Mr Luc Walley

Legal Representatives of Victims V02

Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu

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

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

Submissions

1. The Prosecution notifies the Panel, Parties and participants that during the hearing scheduled on 21 August 2015 for the review concerning reduction of sentence of Mr Thomas Lubanga Dyilo it will refer to extracts of two United Nations documents which are not in the record of this case. These are the Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo dated 26 June 2015 and a Monusco press briefing of 8 July 2015. Both documents are attached as annexes A and B to this filing.¹
2. Both documents come from open sources² and address issues raised by the Parties in their written submissions.³ Accordingly, the Prosecution's reliance on these documents at the hearing complies with the Panel's Further Order Setting the Timetable.⁴



Fatou Bensouda, Prosecutor

Dated this 14th day of August 2015

At The Hague, The Netherlands

Word Count:460⁵

¹ See Annex A (DRC-OTP-0236-0519 to DRC-OTP-0236-0536). See Annex B (DRC-OTP-0236-0538 to DRC-OTP-0236-0550).

² S/2015/486, United Nations Security Council, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of Congo, 26 June 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/486 and United Nations, Monusco press briefing 8 July 2015, <http://monusco.unmissions.org/LinkClick.aspx?fileticket=yIHzkNjF-EY%3D&tabid=11192&mid=14932&language=fr-FR>, (last accessed 14 August 2015).

³ ICC-01/04-01/06-3151-Conf-Exp-tENG, para.29; ICC-01/04-01/06-3150-Conf-Exp-Red, para.19.

⁴ ICC-01/04-01/06-3155, p.4 ("Further Order Setting the Timetable"): "[t]he participants may address any relevant issues pertaining to this review without exceeding those raised in their or the other participants' written submissions".

⁵ The Prosecution hereby makes the required certification: ICC-01/11-01/11-565 OA6, para.32.