



Original: **French**

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

Date: **9 July 2008**

THE APPEALS CHAMBER

Before: Judge Sang-Hyun Song, Presiding Judge
Judge Georgios M. Pikis
Judge Philippe Kirsch
Judge Erkki Kourula
Judge Navi Pillay

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

Public Document

**Application of the Legal Representative of Victim a/105/06 to Participate in the
Appeal against the Decision on the Release of the Accused**

Source: Legal Representative of Victim a/105/06

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial
Attorney

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Bijou-Duval

Legal Representatives of Victims

Ms Carine Bapita Buyangandu
Messrs Luc Walley and Franck Mulenda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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**

Other

NOTING the *Decision on the release of Thomas Lubanga Dyilo* of 2 July 2008;

NOTING the Prosecutor's appeal;

The Legal Representative of Victim a/0105/06 hereby requests leave from the Appeals Chamber to participate in the appeal in order to present his views and submissions.

1. Victim a/0105/06 has a personal interest in the proceedings pertaining to the issue of the release of Thomas Lubanga in that the said victim is still present in the Ituri region, where the influence of UPC militants is strong and the security situation is precarious.

2. The detainee's release could lead to a triumphalist attitude on the part of the Hema at the expense of the Lendu in the area, re-ignite violence between these two communities and place Victim a/0105/06, who is an unprotected minor, at personal risk.

3. Victim a/0105/06 considers it appropriate to be allowed to express his views and concerns at the appeals stage. Such participation would not infringe the rights of the Defence in that it affords the victim the opportunity to present his views and concerns in order to enlighten the Appeals Chamber on some aspects of this issue.

FOR THESE REASONS

MAY IT PLEASE THE TRIAL CHAMBER

To authorise the victim to present his views and concerns within the framework of the Prosecutor's appeal against the *Decision on the release of Thomas Lubanga Dyilo*.

[signed]

Ms Carine Bapita Buyangandu

Dated this 9 July 2008

At The Hague