



Original: **English**

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

Date: **23 October 2009**

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

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

Public

**Prosecution's Observations on the Redacted Supplementary Information
concerning victims' applications a/0609/08 and a/0053/09**

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

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**Unrepresented Applicants for
Participation/Reparation**

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**Victims Participation and Reparations
Section**

Other

Background

1. On 10 July 2009, the Trial Chamber ("Chamber") issued the Decision on the applications by seven victims to participate in the proceedings ("Decision").¹ The Chamber granted the application of victim a/0053/09 and referred to the Registry the issue of whether the person who acts on behalf of this victim is also seeking to participate separately on his own behalf. Regarding the applicant a/0609/08, the Chamber rejected his application and instructed the Registry to contact the applicant to seek clarification and further information. The Prosecution notes that the Chamber's instructions to the Registry are addressed in Annex A of the Decision to which the Prosecution does not have access.
2. On 8 October 2009, the Prosecution received in redacted form the "Transmission to the parties of supplementary information on victims' applications for participation".²
3. On 13 October 2009, the Chamber ordered the Prosecution and the Defence to file their observations by 23 October 2009, 16:00.³

The Prosecution's Observations

4. The Prosecution does not have further observations regarding the supplementary information provided by applicant a/0053/09⁴. The information confirms that the person representing the applicant does not separately wish to participate on his own behalf.
5. Regarding the supplementary information provided by applicant a/0609/08⁵, the Prosecution maintains its observations as submitted on 18 May 2009.⁶ The Prosecution notes that the applicant explains some of the discrepancies between

¹ ICC-01/04-01/06-2035

² ICC-01/04-01/06-2153

³ The order was sent by the Legal Advisor of the Trial Chamber to the parties by way of email.

⁴ ICC-01/04-01/06-2153-Conf-Anx1

⁵ ICC-01/04-01/06-2153-Conf-Anx2

⁶ ICC-01/04-01/06-1880, para. 5.

the information provided by him and the information provided by his nephews⁷ who have already been granted status to participate as victims in the case. The applicant has not, however, provided further information on the circumstances surrounding the disappearance of his son and on the alleged connection between the harm he suffered and the current charges.

Conclusion

6. For the reasons outlined above, the Prosecution submits that applicant a/0609/08 should be requested to provide further information in order for the Chamber to properly assess his request to participate as a victim in the proceedings.



Luis Moreno-Ocampo, Prosecutor

Dated this 23rd day of October 2009
At The Hague, The Netherlands

⁷ Applicants a/0610/08 and a/0611/08