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No.: **ICC-01/04-01/06**
Date: **23 December 2010**

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 Redacted Version

**Prosecution's Observations on supplementary information related to applications
a/0026/10, a/0031/10 and a/0738/10**

Source: Office of the Prosecutor

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

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Other

Background

1. On 17 June 2010, the Trial Chamber ("Chamber") ordered the Registry to transmit 15 applications for participation to the Prosecution and the Defence in confidential redacted form.¹
2. On 29 June 2010, the Registry forwarded the 15 redacted applications from applicants a/0026/10, a/0027/10, a/0028/10, a/0029/10, a/0030/10, a/0031/10, a/0033/10, a/0035/10, a/0037/10, a/0333/10, a/0334/10, a/0336/10, a/0738/10, a/0739/10 and a/0740/10.²
3. On 22 October 2010, the Prosecution filed its observations on the 15 applications.³ In its filing, the Prosecution submitted that the applications filed by a/0026/10 and a/0031/10 require further information or clarification before the applicants should be granted status to participate as victims.⁴
4. On 5 November 2010, Me Keta informed the Chamber of his wish to transmit supplementary statements for applicants a/0026/10, a/0031/10 and a/0738/10.⁵
5. On 11 November 2010, the Registry notified the parties of the redacted supplementary information related to these three applicants.⁶
6. The Prosecution hereby submits its observations on the supplementary information.⁷

¹ ICC-01/04-01/06-T-303-CONF-ENG, page 18, lines 5 to 22.

² ICC-01/04-01/06-2509 with Conf.Anx. 1 to 15.

³ ICC-01/04-01/06-2590-Conf.

⁴ ICC-01/04-01/06-2590-Conf., paras. 6, 26-29 and 32.

⁵ ICC-01/04-01/06-2603, para. 9.

⁶ ICC-01/04-01/06-2617 with Conf. Anx. 1 to 3. Since the annexes were filed confidentially (Prosecution, Defence and Me Keta only) and since the information analyzed in this response is quoted from the annexes, the Prosecution, pursuant to Regulations 23bis(2) files this response confidentially (Prosecution, Defence and Me Keta only) as well. The Prosecution will file a public redacted version of this response.

⁷ For the legal criteria for victims' participation in the proceedings see ICC-01/04-01/06-2590-Conf, paras. 7-10.

Prosecution's previous observations on the supplementary information

Applicant a/0738/10

7. In its response to the 15 applications on 22 October 2010, the Prosecution already observed that applicant a/0738/10 should be granted status to participate as a victim.⁸ The supplementary information provided for this victim applicant further supports [REDACTED] application. The Prosecution has no additional observations on the supplementary information related to this applicant and maintains its request to grant [REDACTED] the status of victim in the case.

Applicant a/0026/10

8. Regarding applicant a/0026/10, the Prosecution submitted in its response to the 15 applications that the applicant did not specify whether [REDACTED]. The Prosecution further submitted that the applicant needs to provide further information or clarification on facts linking [REDACTED] application to the charges before [REDACTED] application could be granted.⁹
9. The supplementary information¹⁰ notified by the VPRS indicates that the applicant [REDACTED]. Based on this supplementary information, the Prosecution submits that applicant a/0026/10 should be granted status to participate as a victim.

Applicant a/0031/10

10. In its prior observations, the Prosecution submitted that the date of the applicant a/0031/10's [REDACTED] must be clarified before [REDACTED] application is granted, as the personal harm [REDACTED] alleges may have been suffered after the relevant time period.¹¹

⁸ ICC-01/04-01/06-2590-Conf, paras. 23 and 30.

⁹ ICC-01/04-01/06-2590-Conf, paras. 26-27.

¹⁰ ICC-01/04-01/06-2617, Conf. Anx. 1.

¹¹ ICC-01/04-01/06-2590-Conf, para. 29.

11. The supplementary information¹² provided for this applicant reveals that [REDACTED] falls within the time-frame applicable to the charges. Based on this supplementary information, the Prosecution submits that applicant a/0031/10 should be granted status to participate as a victim.

Conclusion

12. In light of the supplementary information provided and for the reasons outlined above, the Prosecution requests the Chamber to grant participation status as victims in the case against Thomas LUBANGA to applicants a/0026/10 and a/0031/10.



Luis Moreno-Ocampo, Prosecutor

Dated this 23rd day of December 2010
At The Hague, The Netherlands

¹² ICC-01/04-01/06-2617, Conf. Anx. 2.