



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 02 November 2011

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

**Request for instructions on victim's applications for participation and reparations
received by the Registry**

Source: Registry

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
Mrs Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of Victims

M. Walley
M. Mulenda
Mrs. Bapita
M. Keta
M. Kabongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the “Decision on the implementation of the reporting system between the Registrar and the Trial Chamber in accordance with Rule 89 and Regulation of the Court 86(5)” issued by Trial Chamber I (hereafter, “the Chamber”) on 9 November 2007;¹

NOTING the Chamber’s “Decision on victims’ participation” of 18 January 2008;²

NOTING the First, Second, Third, Fourth, Fifth and Sixth Reports to Trial Chamber I on Victims’ Applications under Regulation 86(5) of the Regulations of the Court submitted by the Registry;³

NOTING article 68(1) and (3) of the Rome Statute, rules 89(1) and 94(2) of the Rules of Procedure and Evidence and regulations 86(5), 88(2) and 24 *bis* of the Regulations of the Court;

CONSIDERING that the Registry has received 27 new applications for participation in the proceedings and 25 new applications for reparations which appear to be linked to the case and that have not yet been transmitted to the Chamber or to the parties;

CONSIDERING that among the victims that have already been accepted to participate in the proceeding, 49 have submitted requests for reparations and 18 of these requests have been transmitted to the Defense;⁴

¹ ICC-01/04-01/06-1022.

² ICC-01/04-01/06-1119.

³ ICC-01/04-01/06-1275-Conf-Exp, ICC-01/04-01/06-1501-Conf-Exp, ICC-01/04-01/06-1823-Conf-Exp, ICC-01/04-01/06-2000-Conf-Exp, ICC-01/04-01/06-2474-Conf-Exp and ICC-01/04-01/06-2695-Conf-Exp.

⁴ Reparation forms for victims a/0001/06, a/0002/06, a/0003/06, a/0078/06 and a/0105/06 transmitted on 26/01/2009; ICC-01/04-01/06-1652; Reparation forms for victims a/0047/06, a/0048/06, a/0050/06 and a/0052/06 transmitted on 27/01/2010, ICC-01/04-01/06-2270; and Reparation forms for victims a/0026/10, a/0027/10, a/0028/10, a/0029/10, a/0030/10, a/0031/10, a/0033/10, a/0035/10 and a/0037/10 transmitted on 14/06/2010, ICC-01/04-01/06-2475.

CONSIDERING that in light of the stage of the proceedings the Registry considers it appropriate to seek the Chamber's instructions before transmitting these applications and that the Chamber has requested the Registry to present this request in the form of a filing;⁵

TRANSMITS to the Chamber the following request for instructions.

a) Concerning applications for participation received by VPRS that have not yet been transmitted to the Chamber and which appear to be linked to the case

1. A total of 27 applications for participation have been received by VPRS which appear to be linked to the present case and that were not transmitted to the Chamber before the end of the trial hearings. Most of these applications were incomplete when received, and supplementary information was sought and subsequently received in July 2011, but these applications were not processed and filed due to the lack of available resources at the time. The number 27 is the result of a preliminary analysis that might change slightly after further analysis.

b) Requests for reparations presented by victims that have already been accepted to participate in the proceedings and by new applicants

2. Of the 27 applicants for participation mentioned in the previous paragraph, 25 also requested reparations (4 completed separate forms for both participation and reparations, and 21 used the joint form for participations and reparations). No applicant has made a request for reparation only, without also requesting participation.

⁵ Email from the Legal Adviser in Trial Division to the Associate Legal Officer in DCS, 27 October 2011.

3. Of victims already accepted to participate in the proceedings, a total of 49 have also submitted requests for reparations. Of these 49 requests, 18 have already been transmitted to the Defence in accordance with rule 94(2) of the Rules of Procedure and Evidence.

4. The Registry would respectfully request the Chamber's instructions as to whether:

- The 27 new applications for participation in the proceedings should be transmitted to the Chamber together with a report thereon in accordance with regulation 86(5) of the Regulations of the Court, following the instructions previously provided by the Chamber;
- The 31 requests for reparations received from participating victims and the 25 new requests for reparations should be transmitted to the Defence in accordance with Rule 94(2) of the Rules of Procedure and Evidence.

5. The Registry remains at the disposal of the Chamber as regards any other instructions it might consider appropriate.



Marc Dubuisson, Director DCS
per delegation Silvana Arbia, Registrar

Dated this 02 November 2011

At The Hague, The Netherlands