

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06 A 4, A 5, A 6

Date: 6 September 2013

THE APPEALS CHAMBER

Before: Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

PUBLIC

**Report on the legal representation of victims a/0198/09, a/2899/11 and a/2917/11
participating in the proceedings**

Source: Registry

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

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju Duval

**Legal Representatives of the Victims
V01**

Mr Luc Walley

Mr Franck Mulenda

Legal Representatives of the Applicants

**Legal Representatives of the Victims
V02**

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Unrepresented Victims

**Unrepresented Applicants
(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

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla

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 Appeals Chamber’s Decision notified on 27 August 2013, authorizing 30 applicants to participate in the proceedings, including victims a/0198/09, a/2899/11 and a/2917/11 and ordering the Registry, *inter alia*, to choose either the Legal Representatives of Victims V01 or those of Victims V02 (respectively “Team V01” and “Team V02”) to represent these three victims, and to file a report indicating the legal representatives to which these victims have been assigned;¹

NOTING articles 68(1) of the Rome Statute, rule 90 of the Rules of Procedure and Evidence, and article 16 of the Code of Professional Conduct for Counsel;

CONSIDERING that the Registry has consulted and obtained the preference of victim a/2917/11 as regards legal representation,² but that its efforts to reach victims a/0198/09 and a/2899/11 in order to inquire whether they would agree to be represented by either of the groups of legal representatives have been unsuccessful;

CONSIDERING that when asked about their availability to represent additional victims in the case, Teams V01 and Team V02 both responded that they would be willing to do so;³

CONSIDERING that while the Registry is not aware of any other factors that would make it more appropriate for the two victims to be represented by one or other of the teams, since Team V01 currently represents a smaller number of victims, the Registry recommends that it is in the best position to be appointed to represent victims a/0198/09 and a/2899/11;

CONSIDERING that article 16 of the Code of Professional Conduct for Counsel obliges legal representatives to ensure that no conflict of interest arises and, in case of difficulties or objections raised by a victim during the period of transition, to

¹ ICC-01/04-01/06-3045-Red2. The Registry notes that the applicants a/0198/09, a/2899/11 and a/2917/11 were represented by the Office of Public Counsel for victims in compliance of the Appeals Chamber’s Decision issued on 14 February 2013, ICC-01/04-01/06-2978 (A 4 A 5 A 6).

² On 13 August 2013, the VPRS received supplementary information regarding victim a/2917/11 stating that the victim wishes to be represented by M. Keta from Team V02.

³ Emails from Team V01 and Team V02 to VPRS, respectively dated 14 May 2013 and 15 May 2013.

communicate such issue to the Registry and the Chamber so that appropriate measures are taken;

INFORMS the Chamber, the parties and the participants that victim a/2917/11 will be represented by Team V02 and victims a/0198/09 and a/2899/11 will be represented by Team V01.

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Marc Dubuisson, Director, Division of Court Services

per delegation of the Registrar

Dated this 6 September 2013

At The Hague, The Netherlands