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No.: ICC-01/04-01/06
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TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Péter Kovács

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

Public
With
97 confidential *EX PARTE* annexes, Registry and Office of Public Counsel for
Victims only

Second Transmission and Report on Applications for Reparations

Source: Registry

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

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Mr Philipp Ambach

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I. Introduction

1. The Registry hereby transmits to Trial Chamber II (“Chamber”) 96 applications for reparations (“Applications”) in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (“Case”), together with the Registry’s second report on its assessment of the Applications against the requirements of rule 85 of the Rules of Procedure and Evidence (“Second Report” and “Rules”).¹

II. Procedural history

2. On 21 October 2016, the Chamber authorised the Office of Public Counsel for Victims (“OPCV”) to continue the identification process initiated by the Trust Fund for Victims (“TFV”) and to identify and transmit the files of more victims potentially eligible for reparations in the Case (“Potentially Eligible Victims”) by 31 December 2016 (“Order of 21 October 2016”).² The Chamber further ordered to receive these files through the Victims Participation and Reparations Section of the Court.³
3. On 21 December 2016, following a request of the OPCV, the Chamber granted an extension of time until 31 March 2017 for the identification process to be completed and the victims’ files to be compiled and transmitted to the Chamber.⁴

¹ Annex 97.

² Trial Chamber II, “Ordonnance relative à la requête du Bureau du conseil public pour les victimes du 16 septembre 2016”, 21 October 2016, ICC-01/04-01/06-3252, paras. 18 and 21.

³ *Id.*, para. 21. The Registry notes that the Chamber has ordered the transmission of the files of Potentially Eligible Victims who have consented to the disclosure of their identities to the Defence team of Mr Lubanga (“Defence”), as well as the files of those who have refused such disclosure.

⁴ Trial Chamber II, “Ordonnance aux fins de compléter le processus d’identification des victimes potentiellement éligibles aux réparations”, dated 21 December 2016 and notified on 22 December 2016, ICC-01/04-01/06-3267. See also OPCV, “Demande de prorogation du délai aux fins de dépôt des demandes en réparation supplémentaires de bénéficiaires potentiels”, 20 December 2016, ICC-01/04-01/06-3266-Red.

4. On 22 December 2016, the Registry transmitted to the Chamber a first batch of 23 applications for reparations together with the Registry's first report on its assessment of the applications against the requirements of rule 85 of the Rules ("First Report").⁵
5. On 15 and 21 December 2016, the OPCV transmitted 101 new applications to the Registry, 96 of which have been assessed by the Registry as complete and falling within the scope of the Case.⁶

III. Classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court ("Regulations"), the annexes to the present submission are classified as confidential *ex parte*, Registry and OPCV only, since they contain information that may lead to the unwarranted identification of victims.

IV. Applicable Law

7. The Registry submits the Second Report in accordance with articles 68(1) and 75 of the Rome Statute, rules 85 and 94 of the Rules, regulation 88 of the Regulations and regulation 110 of the Regulations of the Registry, and in accordance with the Order of 21 October 2016.

⁵ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269.

⁶ 32 applications were transmitted by the OPCV to the Registry on 15 December 2016 and 69 applications were transmitted on 21 December 2016.

V. Submissions

A. Assessment criteria applied by the Registry

8. For an explanation of the assessment criteria applied, the Registry refers to its previous explanation included in the First Report.⁷

B. Additional submissions

1- Reparations measures sought

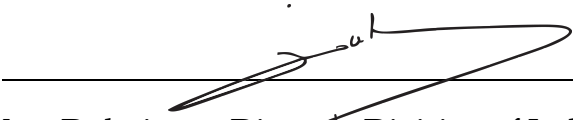
9. The Registry notes that 93 applicants indicated in the application forms their desired forms of reparations, including professional training, support with professional activities, medical and financial assistance. This information is outlined in more detail in the Second Report.

2- Consent to the disclosure of the Potentially Eligible Victims' identity to the Defence and for the TFV to be given access to the Potentially Eligible Victims' files

10. The Registry notes that 74 out of the 96 Potentially Eligible Victims consented to their identities being disclosed to the Defence. The remaining 22 applicants expressed security concerns in case their identities were to be disclosed.

⁷ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269, paras. 11-16.

11. The Registry notes all 96 Potentially Eligible Victims consented to the TFV being given access to their files.



Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 20 January 2017

At The Hague, The Netherlands