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

Date: 31 March 2017

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

Third 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:

Office of the Prosecutor

Counsel for Thomas Lubanga Dyilo

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of V01 Victims

Mr Luc Walley

Mr Frank Mulenda

Legal Representatives of Applicants

Legal Representatives of V02 Victims

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

Ms Paolina Massidda

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

I. Introduction

1. The Registry hereby transmits to Trial Chamber II (“Chamber”) 92 applications for reparations (“Applications”) in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (“Case”), together with the Registry’s third report on its assessment of the Applications against the requirements of rule 85 of the Rules of Procedure and Evidence (“Third Report”¹ and “Rules”).

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, 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
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

¹ Annex 93.

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.

assessment of the applications against the requirements of rule 85 of the Rules (“First Report”).⁵

5. On 20 January 2017, the Registry transmitted to the Chamber a second batch of 96 applications for reparations together with the Registry’s second report on its assessment of the applications against the requirements of rule 85 of the Rules.⁶
6. On 25 January 2017, upon VPRS request, the OPCV provided clarifications and supplementary information regarding four applications for reparations transmitted to the VPRS on 15 and 21 December 2016.⁷
7. On 3 March 2017, the OPCV transmitted to the VPRS the originals of 87 applications for reparations and supplementary information for one application for reparations previously transmitted to VPRS.⁸

III. Classification

8. 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

9. The Registry submits the Third Report in accordance with articles 68(1) and 75 of the Rome Statute, rules 85 and 94 of the Rules, regulation 88 of the

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

⁶ Registry, “Second Transmission and Report on Applications for Reparations”, 20 January 2017, ICC-01/04-01/06-3270.

⁷ Email from OPCV to VPRS on 25 January 2017 at 17:05.

⁸ Internal memorandum from OPCV to VPRS on 3 March 2017.

Regulations and regulation 110 of the Regulations of the Registry, and in accordance with the Order of 21 October 2016.

V. Submissions

A. Assessment criteria applied by the Registry

10. For an explanation of the assessment criteria applied, the Registry refers to its previous explanation included in the First Report.⁹

B. Additional submissions

1- Reparations measures sought

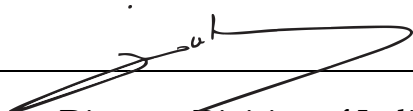
11. The Registry notes that the applicants indicated in the application forms their desired types of reparations, including, *inter alia*, professional training, support with professional activities, medical and financial assistance. This information is outlined in more detail in the Third Report.

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

12. The Registry notes that 59 out of the altogether 92 Potentially Eligible Victims consented to their identities being disclosed to the Defence. This information is outlined in the Third Report.

⁹ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269, paras. 11-16.

13. The Registry further notes that all 92 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 31 March 2017

At The Hague, The Netherlands