



Original: English

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

Date: 4 May 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
62 confidential *EX PARTE* annexes, Registry and Office of Public Counsel for
Victims only**

**Fourth Transmission to Trial Chamber II of Confidential Applications for
Reparations and the Report Thereon**

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”) 60 new applications for reparations and one application for reparations previously transmitted to the Chamber for which supplementary information was received¹ (“Applications”) in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (“Case”) together with the Registry’s fourth report on its assessment of the Applications against the requirements of rule 85 of the Rules of Procedure and Evidence (“Fourth Report”² 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 (“Trust Fund”) and to identify and transmit the files of more victims potentially eligible for reparations in the Case (“Potentially Eligible Victims”) by 31 December 2016.³ The Chamber further ordered to receive these files through the Victims Participation and Reparations Section of the Court (“VPRS”).⁴
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.⁵

¹ ICC-01/04-01/06-3269-Conf-Exp-Anx22.

² Annex 62.

³ 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.

⁴ *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.

⁵ Trial Chamber II, “Order to complete the process of identifying victims potentially eligible to benefit from reparations”, dated 21 December 2016 and notified on 22 December 2016, ICC-01/04-01/06-3267-tENG.

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").⁶
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.⁷
6. On 21 March 2017, the Registry requested an extension of deadline to submit to the Chamber all applications for reparations to be received by the Registry from the OPCV and Trust Fund by 31 March 2017 ("Registry's Request").⁸
7. On 24 and 31 March 2017, the OPCV transmitted to the Registry 110 and 47 new application forms for reparations, respectively, as well as supplementary information for one application⁹ previously transmitted to the Chamber.¹⁰
8. On 29 March 2017, the Trust Fund handed over to the VPRS 47 application forms for reparations.
9. On 31 March 2017, the Registry transmitted to the Chamber a third batch of 92 applications for reparations together with the Registry's third report on its assessment of the applications.¹¹
10. On 6 April 2017, the Chamber granted the Registry's Request insofar as it ordered the Registry to transmit, on a rolling basis every two weeks starting from 4 May 2017, 60 applications for reparations in original version together

⁶ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269.

⁷ Registry, "Second Transmission and Report on Applications for Reparations", 20 January 2017, ICC-01/04-01/06-3270.

⁸ Registry, "Request for an Extension of Time Pursuant to Regulation 35 of the Regulations of the Court to Transmit Victims' Dossiers and Registry's Legal Assessment Report Thereon", 21 March 2017, ICC-01/04-01/06-3280.

⁹ a/25136/16.

¹⁰ Internal memoranda from OPCV to VPRS on 24 and 31 March 2017.

¹¹ Registry, "Third Transmission and Report on Applications for Reparations", 31 March 2017, ICC-01/04-01/06-3287.

with the Registry's legal assessment to the Chamber, and the redacted versions to the Defence ("Decision of 6 April 2017").¹²

III. Classification

11. Pursuant to regulation 23*bis*(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

12. The Registry submits the Fourth 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 Decision of 6 April 2017.

V. Submissions

A. Assessment criteria applied by the Registry

13. For an explanation of the assessment criteria applied, the Registry refers to its previous submissions included in the First Report.¹³

¹² Trial Chamber II, "Décision portant sur les demandes de prorogation de délai présentées par le Bureau du conseil public pour les victimes, le Greffe et les Représentants légaux du groupe de victimes V02", 6 April 2017, ICC-01/04-01/06-3290, para. 14 and page 8.

¹³ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269, paras. 11-16.

B. Additional submissions

1- Reparations measures sought

14. The Registry notes that the Potentially Eligible Victims 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 Fourth Report.

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

15. The Registry notes that 31 out of the altogether 61 Potentially Eligible Victims consented to their identities being disclosed to the Defence. This information is outlined in the Fourth Report.

16. The Registry further notes that all 61 Potentially Eligible Victims consented to the Trust Fund being given access to their files.



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

Dated this 4 May 2017

At The Hague, The Netherlands