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

Date: 18 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
61 Confidential *EX PARTE* Annexes, only available to the Chamber and the Office
of Public Counsel for Victims**

**Fifth 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:

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Victims and Witnesses Section

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

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I. Introduction

1. The Registry hereby transmits to Trial Chamber II (“Chamber”) 60 applications for reparations (“Applications”) in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (“Case”) together with the Registry’s fifth report on its assessment of the Applications against the requirements of rule 85 of the Rules of Procedure and Evidence (“Fifth 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 (“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 2016.² The Chamber further ordered to receive these files through the Victims Participation and Reparations Section of the Court (“VPRS”).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 61.

² Trial Chamber II, “Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016”, 21 October 2016, ICC-01/04-01/06-3252-tENG, 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, “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.

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 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”).⁷
7. 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.⁸
8. 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 with the Registry’s legal assessment to the Chamber, and the redacted versions to the Defence (“Decision of 6 April 2017”).⁹
9. On 4 May 2017, the Registry transmitted to the Chamber a third batch of 60 new applications for reparations and one application for which supplementary

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 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.

⁸ Registry, “Third Transmission and Report on Applications for Reparations”, 31 March 2017, ICC-01/04-01/06-3287.

⁹ 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.

information had been received, together with the Registry's fourth report on its assessment of the applications.¹⁰

III. Classification

10. 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*, only available to the Chamber and OPCV, since they contain information that may lead to the unwarranted identification of victims.

IV. Applicable Law

11. The Registry submits the Fifth 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

12. For an explanation of the assessment criteria applied, the Registry refers to its previous submissions included in the First Report.¹¹

¹⁰ Registry, "Fourth Transmission to Trial Chamber II of Confidential Applications for Reparations and the Report Thereon", 4 May 2016, ICC-01/04-01/06-3304.

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

B. Additional submissions

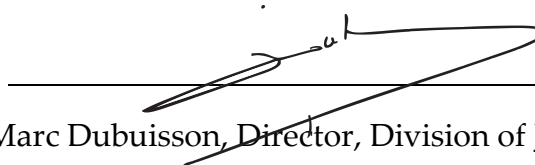
1. *Reparations measures sought*

13. 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, and medical and financial assistance. This information is outlined in more detail in the Fifth 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*

14. The Registry notes that 36 out of the altogether 60 Potentially Eligible Victims consented to their identities being disclosed to the Defence. This information is outlined in the Fifth Report.

15. The Registry further notes that all 60 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 18 May 2017

At The Hague, The Netherlands