

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **2 October 2018**

TRIAL CHAMBER II

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

**Fifth progress report on the implementation of collective reparations as per
Trial Chamber II's orders of 21 October 2016 and 6 April 2017**

with

**Confidential, *ex parte* Annex A available to the Registry, Legal
Representatives and OPCV only**

Source:

The Trust Fund for Victims

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

The Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley

Mr Frank Mulenda

Legal Representatives of Victims V02

Ms Carine Bapita Buyanandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

The Office of Public Counsel for Victims The Office of Public Counsel for the Defence

Ms Paolina Massidda

Ms Sarah Pellet

States Representatives

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section Others

**Victims Participation and Reparations
Section**

Mr Phillip Ambach

I. Procedural History

1. On 13 April 2018, the Trust Fund filed its fourth progress report relevant to the implementation of the symbolic and service-based collective reparations ordered in the *Lubanga* case.¹
2. On that same day, the Trust Fund filed a submission relevant to the identification of potential new reparations beneficiaries, as well as the programmatic impact of the Trial Chamber's 15 December 2017 decision finding, *inter alia*, 425 victims eligible for reparations in the current case.²
3. On 20 September 2018, Trial Chamber II ("Trial Chamber") issued an order,³ instructing the Trust Fund to file its fifth progress report by 28 September 2018.
4. Following being granted an extension by the Trial Chamber, the Trust Fund hereby submits its fifth progress report.

II. Classification of the Present Filing

5. The Trust Fund has classified annex A of the present filing as confidential, *ex parte* pursuant to regulation 23 *bis* (1) of the Regulations of the Court, on the basis that it contains confidential information pertaining to the ongoing procurement process, in regard of issues that do not relate to the rights of the convicted person.

III. Fifth Progress report

6. With regard to the collective service-based component, the report contains information on the status of the procurement process and the programme refinement process, undertaken in collaboration with the legal representatives in the present case.⁴
7. The fifth progress report also contains information about the symbolic reparations component.⁵

¹ Fourth progress report on the implementation of collective reparations as per Trial Chamber II's orders of 21 October 2016 and 6 April 2017, ICC-01/04-01/06-3400, with confidential, *ex parte* Annex A available to the Registry, Legal Representatives and OPCV only and confidential, *ex parte* Annex B available to the Registry only.

² Further information on the reparations proceedings in compliance with the Trial Chamber's order of 16 March 2018, ICC-01/04-01/06-3399-Conf.

³ Ordonnance enjoignant au Fonds au profit des victimes de déposer le cinquième rapport sur l'état d'avancement de la mise en œuvre des réparations, ICC-01/04-01/06-3418-Conf.

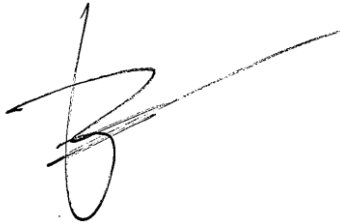
⁴ See ICC-01/04-01/06-3418-Conf, para. 11.

⁵ See ICC-01/04-01/06-3418-Conf, para. 12.

8. The Trust Fund reiterates its commitment to regularly updating the Trial Chamber with its progress in implementing the collective reparations ordered in this case.

FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully submits its fifth progress report, contained in annex A to this filing.



Pieter W.I. de Baan

Executive Director of the Trust Fund for Victims,
On behalf of the Board of Directors of the Trust Fund for Victims

Dated this 2 October 2018
At The Hague, The Netherlands