



Original: English

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

Date of the original: 11 January 2016

Date : 12 May 2021

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

PUBLIC

Public Redacted Version of the “Registry’s report on the financial situation of Thomas Lubanga Dyilo” ICC-01/04-01/06-3189-Conf-Exp

Source: The Registry

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. Fatou Bensouda, Prosecutor	Ms. Catherine Mabilie
Mr James Stewart	Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley
Mr Franck Mulenda

Legal Representatives of Victims V02

Ms. Carine Bapita Buyangandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massidda

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

The Registrar of the International Criminal Court (the “Court”)

NOTING the “Ordonnance relative à la situation financière de Thomas Lubanga Dyilo”, rendered by Trial Chamber II on 18 November 2015¹ and

CONSIDERING the instruction therein to the Registry, by 11 January 2016, to investigate Mr Lubanga’s financial position and ability to satisfy any reparations order made;

SUBMITS as follows

Financial status of Mr Lubanga prior to conviction

1. On 31 March 2006, Pre-Trial Chamber I issued its *Request to States Parties to the Rome Statute for the identification, tracing and freezing or seizure of the property and assets of Mr. Thomas Lubanga Dyilo*².
2. On 28 May 2006 Mr Lubanga applied for legal aid. He [REDACTED] was assessed as indigent³.
3. Following extensive investigation by the then Financial Investigator of the Registry and the issuing of numerous requests to States [REDACTED] to identify any assets held by Mr Lubanga, no evidence was found of any such assets and Mr Lubanga has received legal aid continuously, on the basis that he is totally indigent.

¹ ICC-01/04-01/06-3182-Conf-Exp

² ICC-01/04-01/06-62

³ See Décision du Greffier sur la demande de l'aide judiciaire aux frais de la Cour déposée par M. Thomas Lubanga Dyilo ICC-01/04-01/06-63

4. The history and outcome of the requests sent by the Registry is set out in [REDACTED]⁴.

Current circumstances of Mr Lubanga

5. [REDACTED].
6. [REDACTED].[REDACTED].
7. [REDACTED]. [REDACTED]. [REDACTED]. [REDACTED]⁵ [REDACTED]. [REDACTED]⁶, [REDACTED]. [REDACTED]. [REDACTED]⁷, [REDACTED]. [REDACTED]⁸ [REDACTED]. [REDACTED]⁹. [REDACTED]¹⁰, [REDACTED]¹¹ [REDACTED]¹². [REDACTED].
8. [REDACTED].
9. Further to this, the Financial Investigator of the Registry has liaised with OTP and relevant sections of the Registry [REDACTED].
10. The conclusion at this stage is that [REDACTED].
11. [REDACTED].

⁴ [REDACTED]

⁵ S/2002/1146 at [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC S 2002 1146.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%2002%201146.pdf)

⁶ At <http://reliefweb.int/report/democratic-republic-congo/statement-uganda-final-report-panel-experts-illegal-exploitation>

⁷ [REDACTED]

⁸ At <https://business.highbeam.com/3548/article-1G1-76869610/files-congo-trade-go-missing>

⁹ See Human Rights Watch 2005, *The Curse of Gold - Democratic Republic of Congo*, [REDACTED] at <https://www.hrw.org/reports/2005/drc0505/drc0505.pdf>

¹⁰ Koen Vlassenroot, Sandrine Perrot & Jeroen Cuvelier (2012) Doing business out of war. An analysis of the UPDF's presence in the Democratic Republic of Congo, *Journal of Eastern African Studies*, [REDACTED] at <http://dx.doi.org/10.1080/17531055.2012.664701>

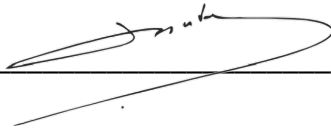
¹¹ Koen Vlassenroot and Sandrine Perrot, *Ugandan military entrepreneurialism on the Congo border* [REDACTED] in *African conflicts and informal power - Big Men and networks*, edited by Mats Utas (2012) Zed Books, London at <http://nai.diva-portal.org/smash/get/diva2:506340/FULLTEXT01.pdf>

¹² Gail Wannenburg (2006), *Africa's Pablos and Political Entrepreneurs - War, the State and Criminal Networks in West and Southern Africa*, [REDACTED], The South African Institute of International Affairs, Johannesburg

Future monitoring of the convicted person

12. Subject to any guidance laid down by the Chamber or the Presidency, the Registry, in compliance with regulation 117 of the Regulations of the Court, will continue to monitor Mr Lubanga's financial situation until such time as he has satisfied any reparations order in full. [REDACTED].

Respectfully **SUBMITTED**

A handwritten signature in black ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

Marc Dubuisson
Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 12 May 2021

At The Hague, The Netherlands