

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06
Date: 27 January 2012

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

***SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO IN THE CASE
OF THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

Order on the applications by victims to participate and for reparations

Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Mr Didier Preira

Detention Section

Victims Participation and Reparations Other Section

Ms Fiona McKay

Trial Chamber I ("Trial Chamber" or "Chamber") of the International Criminal Court ("Court" or "ICC"), in the case of The Prosecutor v. Thomas Lubanga Dyilo ("Lubanga case"), delivers the following Order on applications by victims to participate and for reparations:

1. On 2 November 2011, the Registry filed a "Request for instructions on victim's applications for participation and reparations received by the Registry".¹
2. The Registry reports to the Chamber that it has received 27 new applications to participate in the proceedings and 25 new applications for reparations, which appear to be linked to the case.² Of the 27 new applications to participate, 25 also request reparations (4 completed separate forms and 21 used joint forms).³ The Registry indicates that none of these applications have been transmitted to the Chamber.⁴
3. The Registry also sets out that of the 49 requests for reparations received from victims currently participating in the proceedings, 18 have been sent to the defence pursuant to Rule 94(2) of the Rules of Procedure and Evidence ("Rules").⁵
4. Given the stage of the proceedings, the Registry seeks instructions from the Chamber before it forwards the applications.⁶ The Registry requests instructions as to whether: a) it should send the 27 new applications to participate to the Chamber with a report thereon, pursuant to Regulation 86(5) of the Regulations of the Court ("Regulations"); and b) the 31

¹ Request for instructions on victim's applications for participation and reparations received by the Registry, 2 November 2011, ICC-01/04-01/06-2817.

² ICC-01/04-01/06-2817, page 3.

³ ICC-01/04-01/06-2817, page 4.

⁴ ICC-01/04-01/06-2817, page 3.

⁵ ICC-01/04-01/06-2817, pages 3 and 5.

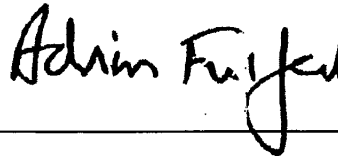
⁶ ICC-01/04-01/06-2817, page 4.

requests for reparations from the identified participating victims and the 25 new requests for reparations should be provided to the defence in accordance with Rule 94(2) of the Rules.⁷

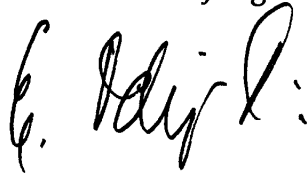
5. Given the evidence and the submissions in the trial have concluded and the Chamber is currently in deliberation, there is no opportunity for the victims who have applied to participate to express their views and concerns under Article 68(3) of the Rome Statute ("Statute"). In all the circumstances, these applications are not to be provided to the Chamber at this stage of the proceedings.
6. However, if there is a sentencing and substantive reparations phase in this case, these applications by victims to participate are to be provided to the Chamber for those purposes.
7. All of the requests for reparations (viz. from participating victims and any new requests) should be provided to the defence pursuant to Rule 94(2) of the Rules.

⁷ ICC-01/04-01/06-2817, page 5.

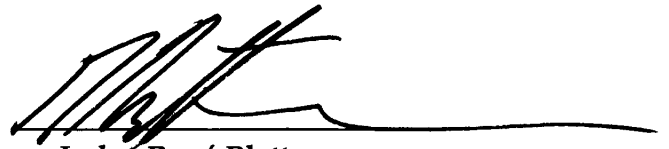
Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 27 January 2012

At The Hague, The Netherlands