

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 28 March 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

**With Confidential Annexes, EX PARTE only available to the Registry
Registry report on the notification of the Judgment**

Source: The Registrar

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

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Ms Fatou Bensouda

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Mr Franck Mulenda
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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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Mr Pieter de Baan, Executive Director,
Trust Fund for Victims
Ms Sonia Robla, Chief Public Information
and Communications Section

The Registrar of the International Criminal Court (the "Court")

NOTING the "Judgment pursuant to Article 74 of the Statute" ("Judgment"), issued by Trial Chamber I (the "Chamber") on 14 March 2012;¹

NOTING the "Summary of the Judgment pursuant to Article 74 of the Statute" ("Summary"), issued by Trial Chamber I on 14 March 2012;²

NOTING the "Scheduling order concerning timetable for sentencing and reparations" ("Scheduling Order"), issued by Trial Chamber I on 14 March 2012;³

NOTING the "First Report to the Trial Chamber on applications for reparations" ("First Report on applications for reparations"), filed by the Registry on 28 March 2012;⁴

NOTING Article 74 of the Rome Statute ("Statute"), Rules 96 and 144 of the Rules of Procedure and Evidence ("Rules"), Regulations 23*bis* and 31 of the Regulations of the Court ("RoC"), and Article 5(1)(b) of the Negotiated Relationship Agreement between the International Criminal Court and the United Nations;

CONSIDERING that in the Scheduling Order, the Chamber instructs the Registry to, *inter alia*, "inform the Chamber by 16.00 on 28 March 2012 as to the steps it intends to take to notify the Judgment pursuant to Rule 96 of the Rules of Procedure and Evidence ("Rules"), and the length of time this procedure will take";

¹ ICC-01/04-01/06-2842.

² ICC-01/04-01/06-2843.

³ ICC-01/04-01/06-2844.

⁴ ICC-01/04-01/06-2847.

RESPECTFULLY REPORTS to the Chamber as to the steps taken by the Registry to notify the Judgment, as set out below:

1. Notification of the Judgment to the legal representatives (including the Office of Public Counsel for Victims) of the 129 victims granted status to participate during the trial took place on 14 March 2012, pursuant to Regulation 31 of the Regulations of the Court.

2. Out of the 129 victims granted participating status, 50 have applied for reparations, therefore these 50 victims have been notified through the legal representatives. 35 applicants for reparations, not participating as victims in the proceedings,⁵ are not represented by an appointed Counsel.⁶ To date these unrepresented applicants have not been notified/informed of the Judgment. As indicated in paragraph 20 of its First Report on applications for reparations, the Registry is currently reviewing the arrangements for common legal representation and recommends in the meantime that the Office of Public Counsel for Victims be appointed to represent these 35 unrepresented applicants for reparations and any new applicant that may apply for reparations.⁷ In anticipation of the Chamber's decision to this recommendation, the Registry does not envisage taking any specific steps as to notification of the Judgment to these 35 unrepresented applicants. Nevertheless, should the Chamber wish for the Registry to proceed in a

⁵ These applicants are not participating to the proceedings because they are applying only for reparations or their applications for participation have been refused by the Chamber or their applications have not been transmitted at the trial stage following the Order ICC-01/04-01/06-2838.

⁶ Referring to its First Report on applications for reparations, the Registry notes that amongst the 35 applicants for reparations, 33 mentioned in their reparations forms a name of a legal representative registered on the list of the Counsels before the Court, and two have given no indication as to the legal representative they wish to have, para.18, ICC-01/04-01/06-2847.

⁷ ICC-01/04-01/06-2847, at p. 8.

specific manner prior to rendering its decision, the Registry stands ready to implement any instruction of the Chamber related to this matter.

3. Furthermore, on 19 March 2012, the Registry transmitted to the Office of the Secretary-General of the United Nations the Judgment, the Summary and the Scheduling Order. In addition to this, the summary of the Judgment, together with a Note Verbale, is being distributed by the Registry's Field Operations Section to all missions accredited in Kinshasa; this includes diplomatic representations and intergovernmental organizations.
4. Further to the above, victims, legal representatives and any other persons concerned have been informed of the Judgment following an outreach action plan by the Public Information and Documentation Section ("PIDS"). In this regard, activities have been carried out in the field and particularly in the Democratic Republic of the Congo ("DRC") in the province of Ituri and in Kinshasa,⁸ and in other situation related countries. Further activities included informing the international media present in The Hague.
5. The groups targeted included local political and administrative authorities, ethnic group leaders, religious or faith leaders, representatives of human rights NGOs, demobilized child soldiers and their parents, media representatives and the legal community.
6. The outreach activity above related to the Judgment has taken place between 14 March and 22 March.⁹

⁸ Annex A includes the specific activities carried out by PIDS and gives an overview of the public response.

⁹ Annex B includes the key locations of outreach activities.

7. For its part, and in relation to the Judgment, the Victims Participation and Reparations Section ("VPRS"), prepared informative sessions with the intermediaries assisting the victims and applicants and with the VPRS' partners in the field. These informative sessions focused on the victim's aspects raised in the judgement and the possible next steps in the judicial process which could involve the rights of victims to participate and/or to request reparations before the Court. The aims of these sessions were to facilitate the dissemination of this information to the victims and applicants assisted by the intermediaries and VPRS partners with a comprehensive approach of the proceedings, to reply to particular questions raised by the persons concerned with the ability to manage their expectations.

8. Consequently, the VPRS has had regular contacts with intermediaries and partners regarding the outcome of the Judgment and has also conducted a mission planning informative sessions in the field from 19 March 2012 to 23 March 2012.

FURTHER INFORMS the Chamber of the next steps to be taken by the Registry with regard to the further dissemination of the Judgment pursuant to Rule 96 of the Rules, as set out below:

9. It is expected that PIDS will continue its Judgment outreach activity well into mid-April 2012.¹⁰ Further meetings and sessions are tentatively planned by the VPRS over the coming months.¹¹ These informative sessions will focus on the Judgment, consequences of the reparations and appeal processes, and the

¹⁰ Annex C includes the key locations of the foreseen field activities.

¹¹ Annex D includes information as to the specific locations and missions of VPRS activity.


training sessions for intermediaries will focus on reparations and how to assist victims to apply for reparations, in accordance with any instructions issued by the Chamber. Annexes C and D provide further details as to the planning of forthcoming outreach activities.

10. As mentioned in paragraph 17 of the First Report on applications for reparations, the Registry does not contemplate at this stage requesting cooperation from the authorities of DRC or intergovernmental organizations for the purpose of disseminating the Judgment in accordance with Rule 96(2) of the Rules. The Registry's view is that the Court may resort to such requests for cooperation at a later stage if necessary.

11. In relation to the translation of the Judgment (a total of 660 pages), it is expected for the draft translation to be completed in early June 2012 and for the revised version to be available by mid to end August 2012. This time frame takes into account the current available number of translators for this assignment, as well as the current judicial situation regarding translation.

CONCLUDES that, in the assessment of the Registry the most important stakeholders in the Democratic Republic of the Congo have been informed of the Judgment. Nevertheless, it is also important to note that there are a number of relevant groups living in remote locations that still need to be engaged.

RESPECTFULLY SUBMITS the present report as *Public with Confidential ex-parte* Annexes A, B, C and D only available to the Registry as these include information currently of a confidential nature regarding Registry staff movement in the field.



For the Registrar,
Didier Preira, Deputy Registrar

Dated this 28 March 2012

At The Hague, the Netherlands