

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: French

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

Date: 8 July 2016

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding Judge
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

**Defence request for leave to reply to the
“Observations consolidées du groupe de victimes V01” and the
“Observations of the V02 team” of 1 July 2016**

Source: Defence team for Mr Thomas Lubanga

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Trust Fund for Victims

Mr Pieter de Baan

1. On 1 July 2016, the Teams of Legal Representatives of the V01 and V02 Victims respectively filed their “*Observations consolidées du groupe de victimes V01 sur les documents ‘First submission of victim dossiers’ et ‘Additional Programme Information Filing’ déposés par le Fonds au profit des victimes respectivement les 31 mai et 1^{er} juin*”¹ and “Observations of the V02 team on filings ICC-01/04-01/06-3208 and ICC-01/04-01/06-3209 submitted by the Trust Fund for Victims.”²

2. In accordance with regulation 24(5) of the Regulations of the Court, the Defence seeks the leave of Trial Chamber II to submit a brief reply to the filings of the Legal Representatives of 1 July 2016, regarding the two points below.

3. Firstly, the Defence wishes to respond to the claims of the V01 Team of Legal Representatives that the convicted person allegedly maintained a negative stance towards the victims and that the victims had come under verbal attack from the Defence during the reduction of sentence hearings.³

4. The Defence will show that the observations are manifestly flawed, citing in particular the transcripts of the hearing of 21 August 2015.⁴

5. Secondly, the Defence wishes to respond to the requests for *ex parte* hearings made by the V01 and V02 Teams of Legal Representatives.

6. The requested hearings cannot be held *ex parte* as they are a follow-up to filings exchanged subsequent to the filing of the draft implementation plan by the Trust Fund for Victims, and are specifically intended to address the subject of Mr Lubanga’s rights during the reparations phase.

¹ ICC-01/04-01/06-3213.

² ICC-01/04-01/06-3214-tENG.

³ ICC-01/04-01/06-3213, paras. 9 and 10.

⁴ ICC-01/04-01/06-T-366-Red-FRA, 21/08/2015, p. 26, line 18 to p. 27, line 3.

FOR THESE REASONS, MAY IT PLEASE TRIAL CHAMBER II,

to:

GRANT this request

and

GRANT the Defence team for Mr Lubanga leave to reply to the Observations filed on 1 July 2016 by Teams of Legal Representatives of the V01 and V02 Victims.

[signed]

Ms Catherine Mabilie, Lead Counsel

Dated this 8 July 2016

At The Hague