

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 27 August 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

**Notification of appointment of the legal representatives of victims and applicants
for reparations**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Counsel for the Defence

Ms Catherine Mabille

Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Legal Representatives of the Applicants

Ms Paolina Massidda

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Secretariat, Assembly of State Parties

Amicus Curiae

Registrar

Ms Silvana Arbia

Counsel Support Section

Mr Esteban Peralta Losilla

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Trust Fund for Victims

Mr Pieter de Baan, Executive Director,
Trust Fund for Victims

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Ms Brigid Inder, Women's Initiatives for
Gender Justice

Mr David Tolbert, International Center
for Transitional Justice

Ms Sandra Baffoe-Bonni, UNICEF

Mr André Marie Kito Masimango,
Fondation Congolaise pour la Promotion
des Droits humains et la Paix

Mr Jean-Phillippe Kot, Avocats sans
frontières

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

NOTING the Decision establishing the principles and procedures to be applied to reparations issued by Trial Chamber I (the “Chamber”) on 7 August 2012, ordering the Registry to decide, in accordance with its powers under article 43(1) of the Rome Statute (the “Statute”), the most appropriate manner in which the current victims participating in the proceedings, along with the broader group of victims who may ultimately benefit from a reparations plan, are to be represented in order to express their views and concerns (the “Decision”);¹

NOTING the Decision of the Chamber notified on 5 April 2012, in which the Chamber decided that the Office of Public Counsel for Victims (the “OPCV”) may: (a) act as the legal representative of unrepresented applicants for reparations until their status is determined or until the Registrar arranges a legal representative to act on their behalf; and (b) represent the interests of victims who have not submitted applications but who may benefit from an award for collective reparations, pursuant to rules 97 and 98 of the Rules of Procedure and Evidence (the “RPE”);²

NOTING article 64 of the Statute, rules 16 and 90 of the RPE, regulation 81 of the Regulations of the Court and article 17 of the Code of Professional Conduct for counsel;

¹ ICC-01/04-01/06-2904, para. 268.

² ICC-01/04-01/06-2858, para. 12.

CONSIDERING that the victims who participated in the proceedings during the trial phase and requested reparations are represented by one of the two current teams of external legal representatives of victims;³

CONSIDERING that the OPCV was appointed by the Registry on 23 May 2012⁴ and 27 July 2012⁵ as legal representative of those applicants for reparations who were unrepresented, in compliance with the Decision of the Chamber notified on 5 April 2012;⁶

CONSIDERING that in deciding the most appropriate manner in which the current victims participating in the proceedings, along with the broader group of victims who may ultimately benefit from a reparations plan, are to be represented, the Registry took into consideration the current stage of the proceedings, the pending Defence's request for leave to appeal against the Decision⁷ and the subsequent consequences of an appeal phase⁸ which could impact the rights of the victims, the need to ensure an effective and efficient legal representation of victims, the need to ensure expeditious and fair proceedings, the benefit to the victims to have continuity in their legal representation, and an appropriate management of the legal aid scheme;

³ Team V01 is composed of Mr Walleyn and Mr Mulenda, team V02 is currently composed of Ms Bapita and Mr Kabongo. The Registry notes that Mr Keta, also a member of team V02, is currently suspended in compliance with a Decision of the Disciplinary Board Committee of 18 June 2012 (ICC-01/04-01/06-2897).

⁴ ICC-01/04-01/06-2883. OPCV was appointed for two applicants for reparations still unrepresented.

⁵ ICC-01/04-01/06-2903. OPCV was appointed for 33 applicants for reparations unrepresented during the 3 months suspension of Me Joseph Keta.

⁶ ICC-01/04-01/06-2858, para. 13(a).

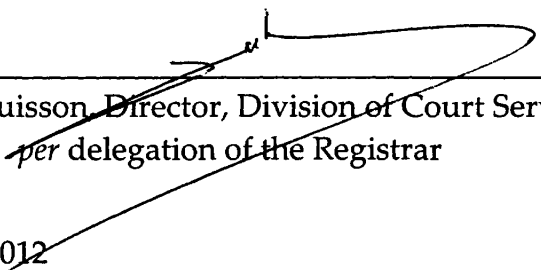
⁷ ICC-01/04-01/06-2905 and the responses of the legal representatives V02 and OPCV (ICC-01/04-01/06-2907) and of the Prosecutor (ICC-01/04-01/06-2908).

⁸ Including the possible appeal against the Judgment pursuant to article 74 of the Statute (ICC-01/04-01/06-2842) and against the Decision on Sentence pursuant to Article 76 of the Statute (ICC-01/04-01/06-2901).

CONSIDERING that having considered these factors, the Registry considers that it is in the interests of the victims not to modify the current legal representation of the victims;

DECIDES that the current legal representatives' teams V01 and V02 will continue to represent the views and concerns of their clients who participated in the proceedings during the trial phase and have requested reparations;

DECIDES that the OPCV will continue to represent the unrepresented applicants for reparations,⁹ along with the broader group of victims who may ultimately benefit from a reparations plan.



Marc Dubuisson, Director, Division of Court Services
per delegation of the Registrar

Dated this 27 August 2012

At The Hague, The Netherlands

⁹ As regards of ICC-01/04-01/06-2883 and ICC-01/04-01/06-2903, see footnotes 4 and 5.