

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 14 July 2016

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovács

**SITUATION: DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

Second submission of victim dossiers

With

**Eleven confidential, *ex parte* annexes, available to the Registrar, and Legal
Representatives of Victims V02 and OPCV only**

Source:

The Trust Fund for Victims

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

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Trust Fund for Victims

Mr Pieter de Baan, Executive Director,
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REGISTRY

Registrar

Mr Herman von Hebel

I. Introduction

1. On 9 February 2016, the Trial Chamber issued the “Ordonnance enjoignant au Fonds au profit des victimes de compléter le projet de plan de mise en oeuvre” (hereinafter “Trial Chamber order”),¹ in which it instructed the Trust Fund *inter alia* to submit transmissions of potential victim dossiers to it by 31 March 2016 and 15 July 2016. The Trial Chamber further instructed the Trust Fund to make a subsequent submission of potential victim dossiers on 31 December 2016.
2. On 15 February 2016, the Trust Fund respectfully requested leave to appeal² against the Trial Chamber order *inter alia* because it was concerned that the Trial Chamber order had not sufficiently considered the applicable legal framework at the implementation phase as held by the Appeals Chamber.³ On 4 March 2016, the Trial Chamber dismissed the request for leave to appeal without addressing the merits of the Trust Fund’s request.⁴
3. On 23 March 2016, the Trust Fund requested an extension until 31 May 2016 to submit the first transmission of potential victim dossiers to the Trial Chamber, which the Trial Chamber granted on 29 March 2016.
4. In compliance with the Trial Chamber order, the Trust Fund transmitted to the Trial Chamber the first group of completed potential victim dossiers on 31 May 2016.
5. Furthermore, in compliance with the Trial Chamber order, the Trust Fund transmits to the Trial Chamber the second group of completed potential victim dossiers in the present transmission.

¹ ICC-01/04-01/06-3198

² Request for Leave to Appeal against the “Ordonnance enjoignant au Fonds au profit des victimes de compléter le projet de plan de mise en œuvre” (9 February 2016), 15 February 2016, ICC-01/04-01/06-3200 (hereinafter “Request for Leave to Appeal”).

³ *See* Request for Leave to Appeal, paras 21-22, 24, 26, 28-29.

⁴ “Decision relative à la requête du Fonds sollicitant l’autorisation d’interjeter appel de l’ordonnance du 9 février 2016”, 4 March 2016, ICC-01/04-01/06-3202 04-03-2016 2/10.

II. The first victim identification missions to Ituri

6. The Trust Fund wishes to assure the Trial Chamber that it embarked on missions with the intention to do its utmost to give full effect to the Trial Chamber order.

7. As was discussed in greater detail in the Trust Fund's previous filings of 31 May 2016 and 7 June 2016, wherein the Trust Fund respectfully requested the chamber reconsider a number of aspects contained in the 9 February order. In the 31 May filing the Trust Fund respectfully notified the Chamber that it was compelled to temporarily suspend further potential victim assessment missions due to the disconcerting effects such a process had on the victims.

III. The second transmission of potential victim dossiers

8. Under the current approach, which the Trust Fund reiterates should be revised, the Trust Fund submits an additional 11 potential victims whose dossiers are transmitted in the attached annexes may be considered eligible for reparations.

9. The Trust Fund notes that six potential victims have consented to reveal their identity to the convicted person in accordance with the Trial Chamber's prerequisite of eligibility for collective reparations. Five potential victims could not consent to the prerequisite requirement because of their deeply felt fear of reprisal and concern for their safety.

10. The Trust Fund would like to reiterate its understanding that it is the Trust Fund's role in accordance with the Trial Chamber order to transmit to the Trial Chamber those potential victims that have been assessed as victims eligible to benefit from reparations. In the view of the Trust Fund, the representational responsibility of the Legal Representatives for Victims remains intact as they continue to advocate for the legal interests of their clients exercise of their right to reparations.


11. The Trust Fund would further like to note that in transmitting these dossiers, it submits them only to the Trial Chamber, OPCV, and the legal representatives. As such, the Trust Fund has not made any redactions. The Trust Fund wishes to confirm with the Trial Chamber its understanding that, once so ordered by the Trial Chamber, it is to redact Section E because it contains confidential information pertaining to contact details of the potential victims (telephone numbers and address). As a matter of principle, any other redactions should be requested by the legal representatives or OPCV directly with the Trial Chamber.

IV. Conclusion

12. The Trust Fund reiterates its commitment to jointly working with the Trial Chamber, parties, and stakeholders to these proceedings, so as to fulfil the promise of reparations set out in the Rome Statute in such a manner as to ensure equity and responsiveness to the rights of victims and the convicted person, as well as systemic viability and the most effective and efficient use of the available limited organisational capacities and financial resources.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits this filing and the second set of potential victim dossiers in response to the Trial Chamber's order of 9 February 2016.

A handwritten signature in black ink, consisting of a stylized 'P' and 'W' followed by a long horizontal stroke.

Pieter W.I. de Baan

Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 14 July 2016

At The Hague, The Netherlands