

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **15 January 2018**

TRIAL CHAMBER II

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

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

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

**Observations in relation to locating and identifying additional victims pursuant to
the Trial Chamber's decision of 15 December 2017**

Source: The Trust Fund for Victims

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

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley

Mr Frank Mulenda

Legal Representatives of Victims V02

Ms Carine Bapita Buyanandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

**Victims Participation and Reparation
Section**

Mr Philipp Ambach

I. BACKGROUND

1. On 15 December 2017, Trial Chamber II (“Trial Chamber”) issued its decision fixing the amount of Mr Thomas Lubanga Dyilo’s liability for reparations in the present case (“Mr Lubanga” and “Decision of 15 December 2017”, respectively).¹ In its Decision of 15 December 2017, the Trial Chamber ordered the Trust Fund for Victims (“Trust Fund”) to provide observations on the possibility of locating and identifying additional eligible victims with the assistance of the Office of Public Counsel for Victims (“OPCV”) and the two teams of legal representatives of victims (“Legal Representatives V01 and V02”, collectively) by 15 January 2018.²
2. On 15 December 2017, the Trust Fund held a preliminary meeting with the Legal Representatives V01 and V02 to discuss, *inter alia*, the possibility of working together on the above-mentioned task, as well as steps already undertaken by the Legal Representatives V01 and V02 to identify additional victims.
3. On 19 December 2017, OPCV communicated to the Trust Fund, via email, information relevant to a number of steps it had already undertaken to identify additional victims, an expression of its willingness to collaborate with the Trust Fund in this task, and a proposal to meet to continue to discuss the modalities of victim identification in January 2018, the exact date to be decided at a later point in time.
4. On 21 December 2017, the Victims Participation and Reparations Section (“VPRS”) communicated, via email, its willingness to work with the Trust Fund in locating and identifying eligible victims, proposing to hold a working meeting in January 2018, the exact date to be determined at a later point.
5. The Trust Fund and OPCV engaged in further email exchanges in the first two weeks of January 2018.

¹ Rectificatif de la « Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu », ICC-01/04-01/06-3779-Red-Corr.

² Decision of 15 December 2017, p. 125.

II. OBSERVATIONS OF THE TRUST FUND

6. The Trust Fund wishes to inform the Trial Chamber that, in its view, it is not only possible for it to be assisted by OPCV and the Legal Representatives V01 and V02 in locating and identifying additional victims, but that such collaboration and assistance would be of great benefit to the Trust Fund in accomplishing the task assigned to it by the Trial Chamber. The Trust Fund equally informs the Trial Chamber that it considers close collaboration with VPRS to be important to the success of any victim identification process.

7. However, given the intervening Court recess and holiday season, including the absence of most of the relevant stakeholders during this period, since the issuance of the Decision of 15 December 2017, the Trust Fund has only been able to have preliminary exchanges with OPCV, the Legal Representatives of Victims V01 and V02, and VPRS and has not yet been able to enter into substantive exchanges in regards to the modalities, division of tasks, and timing of the victim location and identification process.

8. The Trust Fund is accordingly not able at this time to provide the Trial Chamber with a detailed description of how it intends to undertake the task of additional victim location and identification with the assistance of OPCV, the Legal Representatives V01 and V02, as well as VPRS.

9. The Trust Fund is in the process of setting up follow up meetings with all of the relevant stakeholders and wishes to assure the Trial Chamber of its commitment to developing and beginning the process of additional victim location and identification in as timely and efficient a manner as possible, bearing in mind the other work commitments of the Trust Fund and that of its collaborators in this process. The Trust Fund will revert to the Trial Chamber with any new information in this regard as it becomes available and further informs the Trial Chamber of its willingness to promptly provide any additional information or observations that the Trial Chamber may consider helpful in regards to its above observations.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits these observations on the possibility of locating and identifying additional victims with the assistance of OPCV and the Legal Representatives V01 and V02 in compliance with the Trial Chamber's decision of 15 December 2017.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated the 15th of January 2018
At The Hague, The Netherlands