

1 International Criminal Court
2 Trial Chamber II
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Thomas Lubanga Dyilo - ICC-01/04-01/06
5 Presiding Judge Marc Perrin de Brichambaut, Judge Olga Herrera Carbuccion and
6 Judge Péter Kovács
7 Delivery of a Reparations Order - Courtroom 1
8 Friday, 15 December 2017
9 (The hearing starts in open session at 10.01 a.m.)
10 THE COURT USHER: [10:01:42] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:02:18] (Interpretation) Good
14 morning to everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [10:02:27] (Interpretation) Thank you, your Honour.
17 The situation in the Democratic Republic of Congo, in the case of The Prosecutor
18 versus Thomas Lubanga Dyilo, reference ICC-01/04-01/06.
19 We are in open session.
20 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:02:44] (Interpretation) Thank
21 you.
22 I would like to ask the Legal Representatives of Victims, the Office of Public Counsel
23 for Victims, the counsel of Mr Lubanga and the Trust Fund for Victims to introduce
24 themselves for the record.
25 Team V01 of the Legal Representative of Victims, please introduce yourselves.

1 MR WALLEYN: [10:03:07] (Interpretation) Your Honour, the team V01 is
2 represented by Mr Franck Mulenda, from Kinshasa Bar, myself and our case manager,
3 myself Luc Walleyrn and our case manager, Evelyne Ombeni. Thank you.

4 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:03:25] (Interpretation) Thank
5 you.

6 The team V02, Legal Representative of Victims, please could you introduce yourself.

7 MR KETA: [10:03:34] (Interpretation) Your Honour, thank you for giving us the
8 floor. The team V02 is represented by myself Maître Keta of the Kisangani Bar and
9 Kinshasa Gombe and accompanied by the case manager, Sylviane Glodjinon, for this
10 case. Maître Bapita and Maître Kabongo are in Kinshasa. Thank you.

11 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:04:03] (Interpretation) Thank
12 you.

13 Counsel of Mr Lubanga.

14 I'm sorry, thank you. The Office of Public Counsel for Victims.

15 MS MASSIDDA: [10:04:17] (Interpretation) Good morning, your Honour, your
16 Honours. The victims are represented by the Office of Public Counsel for Victims
17 this morning at the hearing today in The Hague Sarah Pellet, Caroline Walter and
18 myself, Paolina Massidda. And in the Democratic Republic of Congo Bibiane
19 Bakento is also able to follow these proceedings via Transcend. Thank you.

20 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:04:44] (Interpretation) Thank
21 you.

22 The counsel of Mr Lubanga. Counsel, please introduce yourself.

23 MS MABILLE: [10:04:50] (Interpretation) The Defence is represented by Jean-Marie
24 Biju-Duval and myself Catherine Mabilille.

25 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:04:56] (Interpretation) Thank

1 you. I would just like to recall that in our order setting the date of the decision
2 relating to the amount of reparations -- I'm sorry.

3 I'm sorry. I am just addressing Counsel Mabilie. I would like to recall that in our
4 order setting the date of the decision relating to the amount of reparations for which
5 Mr Lubanga is liable of 22 November 2017 the Chamber directed the Registry to set
6 up a liaison between Makala prison in the Democratic Republic of Congo and the
7 courtroom with a view of enabling Mr Lubanga to participate in the handing down of
8 the decision. However, the Chamber notes that Mr Lubanga cannot follow the
9 handing down of this decision.

10 That's it. I would like therefore to thank you.

11 Trust Fund, please could you introduce yourselves.

12 MR DE BAAN: [10:06:04] Your Honour, the Trust Fund for Victims is represented
13 by Michaela Lissowsky, Erin Rosenberg and by myself, Pieter de Baan.

14 PRESIDING JUDGE PERRIN DE BRICHAMBAUT: [10:06:13] (Interpretation) Thank
15 you.

16 Today I will start by briefly recalling the procedural history in this case.

17 Trial Chamber II of the International Criminal Court recalls that it was seized by the

18 Presidency in the case The Prosecutor versus Thomas Lubanga Dyilo of the

19 reparations proceedings under Article 75 of the Statute. This case follows the

20 enlistment of child soldiers under 15 within the UPC, the Union des Patriotes

21 Congolais and the Forces Patriotiques pour la Libération du Congo, the FPLC, as well

22 as the active participation in hostilities which took place in Ituri, Democratic Republic

23 of Congo. This happened in the period between 1 September 2002 and

24 13 August 2003.

25 In its judgment dated 14 March 2012 Trial Chamber I in its previous composition,

1 among others, concluded, and here I quote: "that the contributions by Thomas
2 Lubanga were essential to a common plan that resulted in the conscription and
3 enlistment of girls and boys below the age of 15 into the UPC/FPLC and their use to
4 actively participate in hostilities."

5 The Trial Chamber I consequently found Mr Lubanga guilty as co-perpetrator of the
6 crimes of conscripting children under the age of 15 years into the FPLC and using
7 them to participate actively in hostilities within the meaning of Articles 8(2)(e)(vii)
8 and 25(3)(a) of the Statute from the beginning of September 2002 to 13 August 2003.

9 On 10 July 2012, the Trial Chamber I convicted Mr Lubanga to 15 years in prison.

10 On 7 August 2012 Trial Chamber I rendered a decision setting the principles and the
11 procedure applicable for reparations in this case.

12 On 3 March 2015, having confirmed on 1 December 2014 the conviction of
13 Mr Lubanga and the sentence to be imposed on him, the Appeals Chamber delivered
14 its definitive judgment, or the relative judgment on the appeals against the decision
15 establishing the principles and procedures to be applied in reparations. And it
16 adopted an annex entitled Order for Reparations amended, in which it partly
17 confirmed and partly amended Trial Chamber -- the decision establishing the
18 principles and procedures to apply in reparations that had been adopted by
19 Trial Chamber I.

20 The Appeals Chamber also directed the Trust Fund for Victims to submit a draft
21 implementation plan to give effect to the principles and procedures adopted in the
22 amended order for reparations and that within six months, that is by
23 3 September 2015. The Appeals Chamber furthermore entrusted this Chamber with
24 a task of monitoring and overseeing the implementation of the amended order for
25 reparations and gave it the authority to approve the draft implementation plan to be

1 submitted by the Trust Fund. Lastly, the Appeals Chamber entrusted this Chamber
2 with setting the amount of Mr Lubanga -- the amount of reparations for which
3 Mr Lubanga is liable.

4 On 3 November 2015 the Trust Fund submitted its draft implementation plan for
5 collective reparations to victims.

6 On 9 February 2016 this Chamber instructed the Registry -- deferred the approval of
7 the draft implementation plan on the grounds that it did not comply with the
8 instructions of the Chamber and the Appeals Chamber. The Chamber instructed the
9 Trust Fund to bring the process of locating and identifying victims potentially
10 available to benefit from reparations, to prepare files for potentially eligible victims in
11 the instant case and to transmit the files to the Chamber by 31 December 2016.

12 On 15 July 2016 the Chamber, ruling in the majority, instructed the Registry to
13 provide all necessary and appropriate aid and assistance to the Legal Representatives
14 of the V01 and V02 groups of victims, the Office of Public Counsel for Victims and the
15 Trust Fund for the purpose of locating and identifying potentially eligible victims.

16 On 21 October 2016, the Chamber, ruling in the majority, instructed the Trust Fund to
17 continue the process of locating and identifying potentially eligible victims and
18 authorise the OPCV to continue the process of locating and identifying potentially
19 eligible victims to prepare their files and to transmit them to the Chamber as they
20 become ready.

21 From 31 May 2016 to 15 June 2017 the Trust Fund, in conjunction with the Legal
22 Representatives of V01 and V02 victims and the OPCV, transmitted to the Chamber
23 473 files of potentially eligible victims which constitute the sample of potential
24 victims. These files were transmitted in redacted form to the Defence team of
25 Mr Lubanga which between 10 April and 29 June 2017 submitted its observations

1 thereon.

2 On 24 January 2017 and 20 February 2017 the Registry transmitted to the Chamber
3 two documents communicated by the government of the Democratic Republic of
4 Congo, which were prepared by the National Programme for Disarmament,
5 Demobilisation and Reintegration unit and which each contained a list of children
6 from the armed group UPC/FPLC from the period between 1 September 2002 to
7 13 August 2013.

8 With a view of obtaining additional information on the amount of reparations for
9 which Mr Lubanga is liable, the Chamber asked that additional documents be put
10 into the file which it considered as relevant. The parties to the proceedings filed
11 their observation on the evidence admitted in the present proceedings between 8 and
12 11 September 2017.

13 The presentation which is made today constitutes a summary of the decision setting
14 the amount of reparations for which Mr Lubanga is liable, taking up the most
15 important points of the reasoning of the Chamber. However, only the text of the
16 decision in its entirety is authentic and binding upon the Court.

17 I would like to stress that this decision is an integral and supporting part of the order
18 on amended reparations under Article 75 of the Rome Statute and it can be appealed
19 under Article 82(4) of the Statute and Rule 150(1) of the Rules of Procedure and
20 Evidence.

21 I would also like to point out that the decision which is rendered today is based on
22 the sample of potential victims made available to the Chamber but also on all other
23 evidence made available to the Chamber, including the conclusions of
24 Trial Chamber I, publicly available documentation, as well as the observations of
25 parties.

1 Before reading the summary I would like to draw to your attention that this decision
2 takes the form of four documents. The first part, the main document, contains the
3 reasoning that this Chamber adopted in order to determine the amount of reparations
4 for which Mr Lubanga is liable. The second part is made up of three documents,
5 namely, the procedural history, the individual assessment in table format of the 473
6 files of victims figuring within the sample and the overall table of different variants of
7 calculations of the number of victims from additional documents made available to
8 the Chamber within the framework of the reparations proceedings.

9 For practical reasons these documents have been annexed to this decision. The
10 documents containing the individual assessment of the 473 dossiers or files is classed
11 as confidential ex parte with a view to protecting the identity of victims.

12 First of all, I would like to mention the assessment carried out by the Chamber of
13 different evidence made available to it with a view to determine the amount for
14 which Mr Lubanga is liable and I will start with previous judgments and decisions.

15 The Chamber would recall in this regard that in its judgment on conviction, the
16 Trial Chamber I found Mr Lubanga guilty of the crimes of conscripting and enlisting
17 children under the age of 15 in the UPC/FPLC and having them actively participate in
18 hostilities as a co-perpetrator within the meaning of Article 25(3)(a) of the Statute.

19 The Chamber recalls that Trial Chamber I concluded, and here I quote, that "the
20 number or exact proportion of recruits under the age of 15 was not the subject of any
21 conclusion which was drawn beyond reasonable doubt" and it also indicated that "the
22 number of victims of crimes committed in the case is uncertain." End of quote.

23 The Chamber also recalls that in its decision on the sentence, Trial Chamber I stressed
24 furthermore the gravity of crimes for which Mr Lubanga was found guilty and
25 mentioned that the crimes in question were committed on a widespread and

1 systematic basis.

2 The Chamber recalls the conclusions beyond reasonable doubt of Trial Chamber I in
3 the judgment of guilt, the guilty verdict, namely that a significant number of children
4 under the age of 15 were used by the UPC/FPLC as soldier escorts and bodyguards
5 for the general staff and the commanders between September 2002 and
6 13 August 2003, that the armed wing of the UPC/FPLC was responsible for the
7 widespread recruitment of young people, including children under the age of 15 and
8 that a special so-called kadogo unit was formed which was comprised principally of
9 children under the age of 15 and that commanders in the UPC/FPLC frequently used
10 children under the age of 15 as bodyguards.

11 The Chamber notes that Trial Chamber I and the Appeals Chamber explicitly
12 highlighted that the low number of victims participating in the proceedings was no
13 indicator of the probable number of child soldiers.

14 Secondly, the Chamber examined a sample of victims who had presented reparations
15 applications and a file. Due to the crimes for which Mr Lubanga was convicted, the
16 victims potentially eligible for reparations as direct victims have to establish their
17 status as a child soldier within the UPC/FPLC during the periods covered by the
18 charges. In addition to the status of child soldier of the direct victims, indirect
19 victims must demonstrate that they have a close personal link with a child soldier.

20 Principally, the Chamber examined the internal coherence of declarations made by
21 potentially eligible victims in their cases as well as their statements contained in the
22 participating application and/or in the previous reparations request. The Chamber
23 in particular examined the level of detail of crimes detailed, among others, the
24 circumstances of enlistment, the roles and functions exercised within the UPC/FPLC,
25 the living conditions within the militia as well as the circumstances in which the

1 victim left the UPC/FPLC.

2 Having received the 473 files which were presented to it in application of Rule 85(a)

3 of the Rules of Procedure and Evidence and having examined them with regard to the

4 causal nexus between the harm suffered and the crimes committed, as well as the

5 threshold, the evidentiary threshold for reparations which was set out by the

6 Appeals Chamber, the Chamber decided that 425 persons among the 473 candidates

7 in question demonstrated on the basis the most probable hypothesis that they were

8 a victim, either direct or indirect, of crimes for which Mr Lubanga was found guilty.

9 And furthermore, they have a right to reparations ordered in the instant case.

10 Annex 2 of this decision contains an analysis of the 473 files which were presented to

11 the Chamber.

12 In third place the Chamber examined the documentation provided to it by the DRC.

13 On this be subject, the Chamber notes that there was no overlap between the names of

14 children aged under the age of 15 recruited by the UPC between 1 September 2002

15 and 13 August 2003, i.e. direct victims, as listed in the list provided by the services of

16 the Unit for the Execution of the National Programme of Disarmament,

17 Demobilisation and Reinsertion of the Government of the Democratic Republic of

18 Congo and the names of the victims which make up the sample which it dealt with.

19 The Chamber notes furthermore that the list in question contains a number of direct

20 victims which is lower than that of the sample. The Chamber notes, furthermore,

21 that these lists only -- or do not reflect the child soldiers who were self-demobilised.

22 In this regard the Chamber notes that according to the United Nations and NGOs

23 who participated in DDR programmes, child soldiers who demobilised themselves

24 are very high in number.

25 The number is difficult to put into figures, but it takes into account additional

1 circumstances which give the Chamber grounds to believe that the number of total
2 victims is much higher than the number that is represented by the sample.

3 Fourthly, the Chamber examined the observations submitted to it by the parties and it
4 notes the estimations on the total number of victims communicated to it.

5 The Chamber notes, taking into account the manifestly too low figures from
6 the Defence and those undoubtedly too high of the Legal Representatives of Victims
7 V01, that a convergence around a number of victims between 1,000 and 1,500 would
8 seem to come out of these observations. This number is furthermore much higher
9 than the number of victims from the sample.

10 Fifthly, the Chamber also examined the additional documents which were submitted
11 to the file and on this subject the Chamber notes that the additional documents seem
12 to indicate that potentially thousands of children under the age of 15 served within
13 the ranks of the UPC/FPLC at a moment or another during the period covered by the
14 charges. Annex 3 of this decision contains the description of the different possible
15 calculation methods which were established, among others, with the aid of
16 information gathered from additional documentation, making it possible to
17 determine an illustrative number of victims.

18 As such, having taken into account the relevant conclusions of Trial Chamber I with
19 regard to the number of victims, the observations of the Fund in its draft
20 implementation plan of 3 November 2015 and having examined the additional
21 evidence put into the file within the reparations phase, as well as the observations of
22 the parties thereon, the Chamber has not been able any more than the previous
23 Chamber to determine a precise number of victims of crimes for which Mr Lubanga
24 was found guilty.

25 The Chamber considers that while the individual identification of a higher number of

1 victims would have been desirable for fixing the amount of reparations, the
2 consultations required for this identification would have had the effect of prolonging
3 in an undue way the proceedings which would have thereby prejudiced the right of
4 Mr Lubanga to be informed of his obligations in reparations as well as the right of
5 victims to receive reparations within a reasonable time frame. And in this context
6 the Chamber recalls that it must ensure a just equilibrium between the rights and the
7 interests of victims and those of the person found guilty.

8 Furthermore, the Chamber notes that certain international courts and tribunals have
9 also had recourse to approximations or made use of minimum numbers with a view
10 to evaluating the number of victims within the framework of their activities.

11 The Chamber furthermore notes that other Chambers of the Court used imprecise
12 formulae or approximative formula, such as "number of", "many", or "hundreds" with
13 a view to designating a number of victims.

14 The Chamber has therefore come to its conclusions with regards to the number of
15 victims of Mr Lubanga in light of the sample and other information and evidence that
16 it examined. From the evidence which has been mentioned, the Chamber notes in
17 a general way that the number of victims is manifestly higher than the number in the
18 sample. In addition to the 425 recognised victims presented in the sample, the
19 Chamber considers that hundreds or even thousands of additional victims were
20 affected by the crimes committed by Mr Lubanga.

21 To establish Mr Lubanga's responsibility with regard to victims, the Chamber
22 proceeded in the following way:

23 Whenever a victim brings sufficient probative evidence that the Chamber interprets
24 as proof, the Chamber presumes that the victim has suffered harm. It decides that
25 this harm includes a material element, a physical element and a psychological

1 element. Indeed, the Chamber considers that it is uncontested that the 425 victims
2 who were recognised suffered a combination of the harms such as those defined by
3 the Appeals Chamber.

4 Where it concerns the evaluation of the extent of harm suffered by the 425 victims
5 the Chamber recalls that in the present case only collective reparations have been
6 ordered. The Chamber recalls that it only examined a sample of victims potentially
7 eligible for reparations in the instant case and that other victims could be identified at
8 the time of the implementation of collective reparations. Furthermore, the exact
9 composition of individual harm suffered by all potentially eligible victims remains at
10 the current time unknown.

11 For these reasons, the Chamber considers that it is not appropriate to carry out
12 a separate monetary assessment of every type of harm suffered individually by each
13 victim, but an evaluation of the average harm suffered by each victim.

14 Given the observations presented by the Legal Representative of Victims, V01 and
15 V02, and those of the OPCV, and given the relevant Congolese case law, given its own
16 conclusions in the Katanga case and due to its own conclusions in this case with
17 regards to the results of the sample, the Chamber evaluates *ex aequo et bono*, the
18 harm suffered by each of the victims present in the sample, whether direct or indirect
19 victims, at the sum of 8,000 dollars.

20 The Chamber finally recalls that the extent of liability of the person found guilty must
21 be proportional to the harm caused, and in particular to the participation in the
22 commission of crimes of which he was recognised guilty in the circumstances
23 particular to the case.

24 Given all the considerations, the Chamber notes that the individual liability of
25 Mr Lubanga for the harm which the victims of crimes for which he was convicted was

1 essential. The Chamber takes into account this assessment of the individual
2 responsibility of Mr Lubanga in the assessment of the harm suffered by the victims in
3 the sample as well as the harm suffered by victims who could be subsequently
4 identified. By way of consequence, the Chamber notes that the extent of the harm
5 suffered by the 425 victims is approximately 3,400,000 dollars.

6 However, as has been recalled, the Chamber considers that the 425 victims recognised
7 by the Chamber only constitutes a sample of all the victims potentially eligible for
8 reparations in the instant case. As such, taking into account factors and elements
9 mentioned above, the Chamber evaluates *ex aequo et bono* Mr Lubanga's liability
10 concerning the harm suffered of victims figuring in the sample to the sum of 3,400,000
11 dollars. And where it concerns the harm suffered by the other victims, it assesses
12 that at 6,600,000 dollars, also *ex aequo et bono* by way of consequence.

13 The Chamber sets the amount of collective reparations for which Mr Lubanga is liable
14 at 10 million dollars, which includes both his liability concerning the 425 victims
15 recognised in the sample and his responsibility with regard to all other potentially
16 eligible victims.

17 The Chamber will now go into the issues relating to the implementation of this
18 decision.

19 Where it concerns the implementation of collective reparations of a symbolic nature
20 and collective reparations in the form of service provision, the Chamber recalls that
21 on 21 October 2016 and on 6 April 2017 respectively that it approved the draft of a
22 Trust Fund on collective reparations of a symbolic nature and the first phase of the
23 Trust Fund project relating to collective reparations in the form of service provision;
24 that is to say, the phase which constitutes the selection of partners for the
25 implementation of these collective reparations.

1 The Chamber recalls furthermore that it considered that 425 among the 473 persons
2 who presented a file demonstrated on the basis of the most probable hypothesis that
3 they are a victim, either direct or indirect, of the crimes for which Mr Lubanga was
4 found guilty. They therefore constitute a first group of victims with a right to
5 collective reparations ordered by the Court. They can benefit from reparations once
6 the implementation of these reparations has started.

7 The Chamber recalls that it stated in its decision of 13 July 2017 that the eligibility for
8 reparations of persons who were not able to submit a file by 31 March 2017 would be
9 examined by the Fund at the stage of the implementation of reparations.

10 In this context, the Chamber noted the preliminary information on the selection
11 process of victims that the Fund envisages setting up and noted that it directed the
12 organisations which would submit their candidacy with a view to implementing
13 reparations together with the Funds to make proposals on the selection process in
14 question.

15 With a view to taking advantage of the work accomplished by the OPCV and the
16 Legal Representatives of Victims V02, and in particular contacts that they establish
17 with potentially eligible victims, the Chamber invites the Fund to study the possibility
18 of locating and identifying potentially eligible victims with the assistance of the
19 OPCV and Legal Representatives and to inform the Chamber thereon, without
20 waiting for the completion of the selection of implementation partners and the
21 approval that the Chamber must give to the second phase of the implementation of
22 collective reparation in the form of service provision.

23 The Chamber will also rule on other questions relating to the implementation of
24 reparations at the appropriate juncture.

25 With regard to the funding of the reparations, the Chamber recalls that Mr Lubanga

1 has a duty of reparation linked to the harm caused by the crimes of which he has been
2 found guilty. The Chamber recalls that Mr Lubanga has been found liable for
3 10 million US dollars for the reparations for the crimes for which he has been found
4 guilty.

5 In its document relating to the draft implementation plan of 3 November 2015, the
6 Fund requested that the Chamber determine whether Mr Lubanga should be
7 considered indigent for the purposes of reparations. In its draft plan, the Fund also
8 stated that it was willing to draw a million euros from its reserves for reparation
9 purposes in order to complete the funding of the collective reparations programme.
10 On 20 November 2015 the Chamber directed the Registrar to examine Mr Lubanga's
11 financial situation. Based on the observations of the Registrar in its order of
12 25 January 2016, the Chamber declared Mr Lubanga to be indigent for the purposes of
13 reparations.

14 The Chamber further recalls that the Funds in its draft of 17 September 2016 relating
15 to collective reparations of a symbolic nature and in its draft of 13 February 2017
16 relating to collective reparations in the form of service provisions, that approval by
17 the Chamber would allow -- stated that approval by the Chamber would allow its
18 board to take a final and fully informed decision about the additional amount to be
19 allocated to the funding of the implementation of reparations in the present case.

20 In the light of the above and also of the conclusions of the Chamber regarding the
21 liability of Mr Lubanga in terms of reparations, the Chamber believes that it is
22 appropriate to invite the board of the Trust Fund to examine the possibility of
23 allocating an additional amount to the implementation of collective reparations in this
24 case in accordance with its regulations and/or to assess the possibility of pursuing its
25 efforts to collect additional funding.

1 The Chamber reiterates its request to the Presidency to continue with the assistance of
2 the Registry, its monitoring of Mr Lubanga's financial situation and to inform it of any
3 change, particularly in light of the fact that Mr Lubanga will soon have completed his
4 sentence.

5 As stated by the Appeals Chamber, the Chamber recalls that States Parties shall
6 facilitate the execution of reparation orders, which includes decisions relating to
7 confiscation measures taken pursuant to Articles 75(5) and 109 of the Statute. To this
8 effect, the Chamber notes that on 28 September 2016 the government of the
9 Democratic Republic of the Congo expressed interest in participating in the present
10 procedure. The Court therefore directs the Funds to establish contact with the
11 government of the Democratic Republic of the Congo with a view to establishing
12 a way in which this last can contribute to the reparations process and to keep the
13 Court informed of its consultations.

14 Finally, the Appeal Chamber invites the Fund, in accordance with the mandate
15 accorded to it under Rule 50(a) of the Regulation relating to assistance programme, to
16 envisage the possibility of including those persons who do not satisfy the criteria for
17 benefiting from reparations set out in this case, in order that they may benefit from
18 assistance programmes set up in the situation zone in the DRC.

19 I will now read the operating provisions as contained in the decision fixing the
20 amount of reparations for which Mr Lubanga is liable.

21 For these reasons, the Chamber renders unanimously the present decision setting the
22 amount of reparations for which Mr Lubanga is liable.

23 Finds that 425 of the 473 potentially eligible victims in the sample have demonstrated
24 to the best possible hypothesis that they are direct or indirect victims of the crimes for
25 which Mr Lubanga has been convicted.

1 Decides consequently that the 425 victims should benefit from collective reparations
2 approved by the Chamber in this case.

3 Finds that the 425 victims are simply a sample of potentially eligible victims and that
4 hundreds or even thousands of additional victims have also suffered harm resulting
5 from the crimes for which Mr Lubanga was convicted.

6 Fixes the sum of reparations for which Mr Lubanga is liable as the total sum of
7 10 million US dollars, which comprises both his liability with regard to the
8 425 victims in the sample, which is 3,400,000 US dollars, and his liability with regard
9 to the other victims who could be identified, which is 6,600,000 US dollars.

10 Finds that Mr Lubanga is indigent for the purposes of reparations on the date of this
11 decision.

12 Directs the board of the Trust Fund for Victims to inform the Chamber whether it is
13 able to allocate an additional sum to the implementation of collective reparations in
14 this case in accordance with Rule 56 of the Rules of the Fund and/or to continue its
15 efforts to obtain additional funding by 15 February 2018 at the latest.

16 Directs the Presidency, with the assistance of the Registry, to monitor continuously
17 Mr Lubanga's financial situation in accordance with Rule 117 of the Court
18 Regulations.

19 Directs the Fund to enter into contact with the government of the Democratic
20 Republic of the Congo with a view to establishing a way in which this last can
21 contribute to the reparations process and to keep the Chamber informed on this
22 subject.

23 Directs the Funds to submit observation on the possibility of continuing the search for
24 and identification of victims, with the assistance of the OPCV and the Legal
25 Representatives of Victims V01, V02, by 15 January 2018 at the latest.

1 Will decide at an appropriate juncture on the implementation of collective
2 reparations.

3 Invites the Fund to envisage the possibility of including those people who do not
4 satisfy the criteria required to benefit from the reparations ordered in the present case
5 in assistance programmes set up in the situation area in the DRC.

6 Directs the Registrar to take all necessary measures to give sufficient publicity to its
7 present decision.

8 This concludes the current hearing. I would like now to thank the parties for their
9 contribution and the quality of their work.

10 I would also like to thank my two colleagues, Judge Olga Herrera Carbuca and
11 Judge Kovács for their commitment to our joint work which has allowed us to adopt
12 this decision unanimously.

13 Our legal assistants and interns, both past and present, have carried out
14 a considerable amount of work for which we are extremely grateful.

15 I would like to finally thank all those who helped in the smooth running of this
16 reparations procedure, including the court officers, the staff of the various sections of
17 the Registry, and in particular the VPRS, the agents of the ICC present in DRC, court
18 reporters, audiovisual technicians, interpreters, security agents, as well as our
19 colleagues from the IT department and court general services.

20 The Court would like to stress that without the contribution of everyone mentioned
21 above the present proceedings would not have been able to run as smoothly.

22 I would now like to say in conclusion, that it is up to the Trust Fund for Victims to
23 implement fully and promptly the content of the various decisions the Chamber has
24 taken in this case.

25 The Chamber wishes to be informed of the concrete content of the collective

- 1 reparations projects for the victims of Mr Lubanga to be entrusted to the Fund's
- 2 partners as soon as possible in order to authorise their implementation.
- 3 The Chamber thanks in advance the members of the board and secretariat of the
- 4 Trust Fund for Victims for their diligence in this matter.
- 5 The hearing is adjourned.
- 6 THE COURT OFFICER: All rise.
- 7 (The hearing ends in open session at 10.46 a.m.)