

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 May 2009

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

**Order issuing public redacted annexes to the Decisions on the applications
by victims to participate in the proceedings of 15 and 18 December 2008**

Decision/Order/Judgment to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu
Mr Joseph Keta Orwinyo
Mr Jean Louis Gilissen
Mr Jean Chrysostome Mulamba
Nsokoloni
Mr Paul Kabongo Tshibangu
Mr Hervé Diakiese

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Vaatainen

Detention Section

Victims Participation and Reparations Section

Ms Fiona McKay

Other

1. On 15 December 2008, the Chamber issued the "Decision on the applications by victims to participate in the proceedings", which, *inter alia*, granted status to participate in the proceedings to 91 applicants.¹ The Chamber indicated that the annex analysing each application and relevant submissions on a case-by-case basis would be issued separately in due course.² The confidential *ex parte* and confidential versions of the annexes to this decision were issued on 19 December 2008,³ and the Chamber again indicated that a public redacted version of the annex would be issued in due course.⁴

2. On 13 January 2009, the Chamber issued a "Corrigendum to 'Decision on the applications by victims to participate in the proceedings'", which set out that the application to participate in the proceedings of victim a/0246/06 has been erroneously treated as incomplete, and the application was granted.⁵ The Chamber issued revised confidential *ex parte*, confidential and public versions of the annex for this applicant on 24 February 2009.⁶

3. The Chamber issued a separate "Decision on the applications by 3 victims to participate in the proceedings" on 18 December 2009, which granted the application to participate in the proceedings of 1 applicant and in which it indicated that the annex containing the case-by-case analysis of the

¹ Decision on the applications by victims to participate in the proceedings, 15 December 2008, ICC-01/04-01/06-1556.

² Decision on the applications by victims to participate in the proceedings, 15 December 2008, ICC-01/04-01/06-1556, paragraph 51.

³ Order issuing Annexes to the "Decision on the applications by victims to participate in the proceedings" of 15 December 2008, 19 December 2008, ICC-01/04-01/06-1563 with Confidential *Ex parte* Registry only Annex A1, ICC-01/04-01/06-1563-Conf-Exp-AnxA1, and Confidential Annex A2, ICC-01/04-01/06-1563-Conf-AnxA2.

⁴ Order issuing Annexes to the "Decision on the applications by victims to participate in the proceedings" of 15 December 2008, 19 December 2008, ICC-01/04-01/06-1563, paragraph 5.

⁵ ICC-01/04-01/06-1556-Corr, paragraph 2.

⁶ Decision issuing redacted and corrected versions of annex concerning applicant a/0246/06, 24 February 2009, ICC-01/04-01/06-1724 with confidential *ex parte* Registry only Annex 1, ICC-01/04-01/06-1724-Conf-Exp-Anx1, Confidential Annex 2, ICC-01/04-01/06-1724-Conf-Anx2, and public Annex 3, ICC-01/04-01/06-1724-Anx3. The section of Annex A1 attached to this Order which concerns a/0246/06 is therefore redacted in its entirety as the correct public version has been issued.

applications and relevant submissions would be issued in due course.⁷ The full confidential *ex parte* and confidential versions of the annex to this decision were issued on 19 December 2008,⁸ and a public redacted version of the annex is attached hereto.⁹ In accordance with the decisions to date, 93 victims are currently participating in the proceedings.

4. The Registry's Victims Participation and Reparations Section was requested to review the annexes of the decisions and make redactions that reflect those previously included in the applications transmitted to the parties so that a public redacted version of the annexes may be issued. The Chamber has reviewed the VPRS's proposals.¹⁰

5. The Chamber hereby issues:
 - a) a public redacted version of Annex A to the "Decision on the applications by victims to participate in the proceedings" of 15 December 2008 (attached as A1); and,

 - b) a public redacted version of Annex A to "Decision on the applications by 3 victims to participate in the proceedings" of 18 December 2008 (attached as A2).

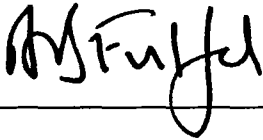
⁷ Decision on the applications by 3 victims to participate in the proceedings, 18 December 2008, ICC-01/04-01/06-1562, paragraph 10.

⁸ Order issuing Annexes to the "Decision on the applications by 3 victims to participate in the proceedings" of 18 December 2008, 19 December 2008, ICC-01/04-01/06-1564 with Confidential *ex parte* Registry only Annex A1, ICC-01/04-01/06-1564-Conf-Exp-AnxA1, and Confidential Annex A2, ICC-01/04-01/06-1564-Conf-AnxA2.

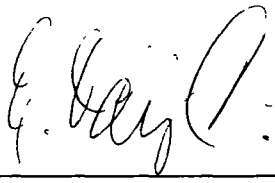
⁹ Order issuing Annexes to the "Decision on the applications by 3 victims to participate in the proceedings" of 18 December 2008, 19 December 2008, ICC-01/04-01/06-1564, paragraph 5.

¹⁰ Email communications from the Trial Chamber to the VPRS through the Legal Adviser to the Trial Division and from the VPRS to the Trial Chamber through the Legal Adviser to the Trial Division on 15 and 16 December 2008, 9, 23, 26 and 27 February, 9 April 2009.

Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 8 May 2009

At The Hague, The Netherlands