

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **9 July 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 version of the “Decision on the request by victims a/ 0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial”

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 Mabile
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 26 June 2009, the Chamber issued the confidential "Decision on the request by victims a/ 0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial ", ("Decision"), which a) Adjourned the applications on behalf of victims a/0225/06, a/0229/06 and a/0270/07 to present their views and concerns in person; b) Granted the application of victims a/0225/06, a/0229/06 and a/0270/07 to give evidence; c) Required the three victims, with the assistance of the VWU, to file their final proposals as regards lifting anonymity vis-à-vis the parties and the participants confidentially by 10 August 2009; and d) Required witness statements or other comprehensive summary of the evidence that is to be given by each victim, together with their application forms (in full or with necessary redactions), to be filed confidentially by 10 August 2009.¹

2. During the hearing held on 26 June 2009, the Chamber ordered the following:

(...) a written decision has been handed down by the Bench today in relation to victims 225/06, 229/06, and 270/07. The legal representatives of those victims will need to consult with the VPRS so that jointly they can propose redactions so that a public version of that decision can be issued by the Chamber as soon as possible, and we set a deadline for those proposals for a week. So 4.00 p.m., Friday the 3rd of July, and the proposals can be sent by e-mail to the legal advisor to the division [...].²

3. On 2 July 2009, in consultation with the legal representative of victims a/0225/06, a/0229/06 and a/0270/07, the Registry's Victims Participation and Reparation Section submitted via email to the Legal Advisor to the Trial Division a proposed redacted version of the Decision. On 3 July 2009, a further redaction was requested via email to the Legal Advisor.³ The

¹ Decision on the request by victims a/ 0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial, 26 June 2009, ICC-01/04-01/06-2002-Conf.


² ICC-01/04-01/06-T-200-CONF-ENG, page 57, lines 17-25.

³ 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 2 and 3 July 2009.


Chamber has reviewed the joint proposals and satisfied itself that the redactions are necessary for the protection of the victims concerned.

4. The Chamber hereby issues a public redacted version of the Decision.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 9 July 2009

At The Hague, The Netherlands