

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 25 October 2007

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR *v.* THOMAS LUBANGA DYILO**

Public

**Decision on "Demande de déposition du représentant légal
des demandeurs des victimes"**

Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Counsel for the Defence

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

a/0001/06 to a/0003/06, a/0105/06
Mr Luc Walley
Mr Franck Mulenda
Ms Carine Bapita Buyangandu

Legal Representative of victim applicants

Mr Joseph Keta

1. On 22 October 2007, Mr Joseph Keta, the legal representative of a number of victims who applied to participate in the proceedings, filed a "Demande de déposition du représentant légal des demandeurs des victimes a/0016/06 à a/0018/06; a/0021/06; a/0025/06; a/0028/06; a/0031/06; a/0032/06; a/0034/06; a/0037/06; a/0038/06; a/0042/06; a/0044/06; a/0045/06; a/0142/06; a/0143/06; a/0148/06; a/0150/06; a/0158/06; a/0163/06 à a/0183/06; a/0185/06 à a/0189/06; a/0193/06; a/0194/06; a/0196/06 à a/202/06; a/0204/06; a/0205/06, a/0207/06; a/0208/06; a/0210/06 à a/0214/06; a/0216/06 à a/0218/06; a/0221/06; a/0223/06 à a/0230/06; a/0234/06 à a/0239/06; a/0241/06; a/0042/07 à a/0075/07; a/0167/07 à a/0191/07 et a/0270/07 (règle 103 du Règlement de procédure et de preuve)" ("Application").¹ Mr Keta requests to be allowed to make submissions regarding victims' participation issues which have not been covered in the submissions of the current victims' representatives participating in the case of Mr Thomas Lubanga Dyilo, pursuant to Rules 103 and 93 of the Rules of Procedure and Evidence ("Rules").
2. In its "Request for submissions on the subjects that require early determination" issued on 18 July 2007,² the Trial Chamber directed the Registrar to inform those victims who have requested to participate in the proceedings of the timetable set out in the request.³ The Chamber explicitly stated that "only those victims who were granted victim status before the Pre-Trial Chamber may participate at this hearing."⁴
3. The Statute and the Rules provide for avenues of participation of victims. To date, the Chamber has not sought the views of other victims as is allowed for under Rule 93 of the Rules. Further, the Chamber is of the opinion that Rule 103 is not intended to encompass the views of victims under its framework

¹ ICC-01/04-01/06-994.

² ICC-01/04-01/06-936.

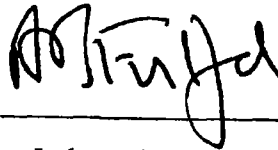
³ *Ibid*, paragraph 5.

⁴ *Ibid*

and instead allows for other forms of participation such as, *inter alia*, an independent *amicus curiae* or government submission.

4. For these reasons, the Trial Chamber hereby rejects the Application.

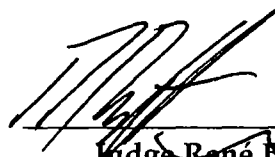
Done in both English and French, the English version being authoritative.



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 25 October 2007

At The Hague, The Netherlands