

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

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

Date: 25 July 2016

TRIAL CHAMBER II

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

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

Public Document

**Response by the Defence for Mr Thomas Lubanga to the Trust Fund for Victims'
"Second submission of victim dossiers" of 14 July 2016**

Source: Defence team for Mr Thomas Lubanga

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Trust Fund for Victims

Mr Pieter de Baan

1. By an Order of 9 February 2016, Trial Chamber II instructed the Trust Fund for Victims to begin the process of locating and identifying victims potentially eligible to benefit from reparations and to transmit the results of the process to the Chamber in three batches by 31 March, 15 July and 31 December 2016.¹
2. The Chamber stated that the Trust Fund for Victims had to seek to obtain the written consent of potential victims to transmit their identities and the description of the factual allegations to the Defence.²
3. On 31 May 2016, the Trust Fund for Victims submitted 12 dossiers of potential victims.³
4. Three of the 12 potential victims consented to their identities being revealed to the Defence team for Mr Lubanga.⁴ However, the dossiers of those three victims were not provided to the Defence.
5. That is why, in its consolidated response of 1 July 2016,⁵ the Defence for Mr Lubanga requested Trial Chamber II to order the Trust Fund for Victims to transmit to it forthwith the three dossiers in which the applicants seeking eligible victim status agreed to reveal their identity.
6. The Defence simply notes that it has not yet been provided with the dossiers.
7. On 14 July 2016, the Trust Fund for Victims filed the “Second submission of victim dossiers” with 11 new potential victim dossiers.⁶
8. Of the 11 potential victims, six agreed to reveal their identities to the Defence team for Mr Lubanga.⁷

¹ ICC-01/04-01/06-3198-tENG, paras. 1 and 18.

² *Ibid.*, para. 17.

³ ICC-01/04-01/06-3208, para.193.

⁴ *Ibid.*, para. 194.

⁵ ICC-01/04-01/06-3211-Corr.

⁶ ICC-01/04-01/06-3216.

9. The Trust Fund for Victims has not provided the Defence with the six dossiers.

10. The Defence for Mr Lubanga therefore reiterates its position, notes the absence of any grounds for the refusal and requests Trial Chamber II to order the Trust Fund for Victims to disclose the six dossiers to the Defence immediately.

FOR THESE REASONS, MAY IT PLEASE TRIAL CHAMBER II TO

ORDER the Trust Fund for Victims to disclose immediately to the Defence for Mr Lubanga the six dossiers in which the applicants seeking eligible victim status agreed to reveal their identities.

[signed]

Ms Catherine Mabile, Lead Counsel

Dated this 25 July 2016

At The Hague

⁷ ICC-01/04-01/06-3216, para. 9.