

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

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

Date: 7 March 2016

TRIAL CHAMBER II

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

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

Public Document

**Order instructing the Registry to reclassify document
ICC-01/04-01/06-3177-Conf-Exp-AnxI**

Order 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 Thomas Lubanga Dyilo

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley

Mr Franck Mulenda

Legal Representatives of Applicants

Legal Representatives of Victims V02

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II of the International Criminal Court (“the Chamber” and “the Court”, respectively), acting pursuant to regulation 23 *bis*(3) of the Regulations of the Court, orders the following.

1. On 3 November 2015, the Trust Fund for Victims (“the TFV”) filed its draft implementation plan,¹ and Annex I, marked “confidential *ex parte* available to Trust Fund for Victims and Registry only” and containing a mapping report (“the Report”) produced by the Victims Participation and Reparations Section (“the VPRS”), to help the TFV locate victims potentially eligible for reparations.²
2. On 19 November 2015, the Office of Public Counsel for Victims (“the OPCV”) filed a request for access to the Report in its entirety, or, alternatively, in redacted form if need be³ (“the Request for access”).
3. On 15 December 2015, the TFV filed a redacted version of the Report,⁴ which was notified to Thomas Lubanga’s Defence team, the OPCV and the legal representatives.
4. On 13 January 2016, the Chamber considered that the Request for access had become moot.⁵
5. On 19 February 2016, the OPCV reiterated its request for access to the confidential unredacted version of the Report⁶ (“the OPCV’s Request”). The OPCV considers that, to help the TFV identify victims potentially eligible for reparations, it must have access to the names of the locations mentioned in the Report.

¹ “Filing on Reparations and Draft Implementation Plan”, 3 November 2005, ICC-01/04-01/06-3177-Red and its two annexes.

² ICC-01/04-01/06-3177-Conf-Exp-AnxI.

³ “Request for access to Annex 1 confidential *ex parte* annexed to the filing ICC-01/04-01/06-3177-Conf”, 19 November 2015, ICC-01/04-01/06-3181-tENG.

⁴ “Confidential redacted version of Annex I to Filing on Reparations and Draft Implementation Plan”, 15 December 2015, ICC-01/04-01/06-3177-Conf-Exp-AnxI-Red.

⁵ “Decision on the request of the Office of Public Counsel for Victims and the request of the Legal Representatives of Victims V02”, 13 January 2016, ICC-01/04-01/06-3190-tENG, para. 11 and page 6.

⁶ E-mail from the OPCV to Trial Chamber II, of 19 February 2016 at 17.01.

6. On 22 February 2016, the VPRS informed the Chamber that it did not oppose notification of the confidential unredacted version of the Report to the OPCV.⁷

7. Given that access to the unredacted version of the Report could be of use to the OPCV in identifying victims potentially eligible for reparations, and noting that the VPRS does not object to the OPCV's Request, the Chamber considers it appropriate that the OPCV have access to the confidential unredacted Report.

⁷ E-mail from the VPRS to Trial Chamber II, of 22 February 2016 at 11.42.

FOR THESE REASONS, the Chamber

GRANTS the OPCV's Request; and

INSTRUCTS the Registry to immediately reclassify the Report as "confidential *ex parte*, available to Trust Fund for Victims, Registry and Office of Public Counsel for Victims only."

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera-Carbuccia

[signed]

Judge Péter Kovács

Dated this 7 March 2016

At The Hague, the Netherlands