

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

No.: ICC-01/04-01/06
Date: 12 November 2015

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

**Order fixing the schedule for the submission of observations on the draft
implementation plan submitted by the Trust Fund for Victims**

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 Fiona McKay

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court, acting pursuant to article 75 of the Rome Statute, issues the following order.

I. Procedural Background

1. On 3 March 2015, the Appeals Chamber delivered its judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”¹ and its annex “Order for Reparations (amended)”² (“Order”), directing the Trust Fund for Victims (“TFV”) to submit, within six months, i.e. by 3 September 2015, a draft implementation plan (“the Draft”) to give effect to the principles and procedures adopted in the Order.³
2. On 14 August 2015, in response to TFV’s request, the Chamber agreed to extend the time limit for the submission of the Draft to 3 November 2015.⁴
3. On 3 November 2015, TFV submitted the Draft.⁵
4. On 11 November 2015, the Office of Public Counsel for Victims filed a request calling for an extension of time to submit observations on the Draft.⁶

II. Analysis

5. The Chamber notes that, pursuant to the Order, the parties shall have the opportunity to submit observations to the Chamber, before it approves the Draft, regarding those aspects of the Draft affecting their interests and rights.⁷ Furthermore, the Chamber notes that, also pursuant to the Order, other interested persons or States may request leave of the Chamber to submit observations.⁸
6. In the view of the Chamber, the procedure concerning interested persons or States should first be addressed. To this end, it is the Chamber’s view that, in order to

¹ “Judgment on the appeals against the ‘Decision establishing the principles and procedures to be applied to reparations’ of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2”, 3 March 2015, ICC-01/04-01/06-3129.

² “Order for Reparations”, 3 March 2015, ICC-01/04-01/06-3129-AnxA.

³ *Ibid.*, para. 75.

⁴ “Decision on the ‘Request for extension of time to submit the draft implementation plan on reparations’”, 14 August 2015, ICC-01/04-01/06-3161-tENG.

⁵ “Filing on Reparations and Draft Implementation Plan”, 3 November 2015, ICC-01/04-01/06-3177-Red, and its two annexes (ICC-01/04-01/06-3177-AnxA and ICC-01/04-01/06-3177-Conf-Exp-AnxI).

⁶ “*Demande de prorogation de délai aux fins de répondre à la soumission déposée par le Fonds au profit des victimes le 3 novembre 2015*”, 11 November 2015, ICC-01/04-01/06-3178.

⁷ “Order”, paras. 77 and 80.

⁸ *Ibid.*, para. 77.

ensure that the procedure is not delayed, the Prosecution and any other interested person or State should be authorised to submit observations that begin by stating their interest in participating and the points that they intend to address. The Chamber will rule on the admissibility of these observations in its decision on the Draft.

7. Secondly, it is the Chamber's view that the Legal Representatives of Victims, the Office of Public Counsel for Victims and the Defence team for Thomas Lubanga Dyilo may submit observations once the observations of interested persons or States have been received, as mentioned in the previous paragraph, which will enable them to submit observations on the Draft and to respond to the observations of the interested persons or States.

FOR THESE REASONS, the Chamber,

INSTRUCTS the Prosecution and interested persons or States to submit observations on the Draft, of no more than 20 pages, by 11 December 2015 and;

INSTRUCTS the Legal Representatives of Victims, the Office of Public Counsel for Victims and the Defence team for Thomas Lubanga Dyilo to submit observations, of no more than 40 pages, on the Draft, and on any other observations submitted by 11 December 2015, by 11 January 2016.

Done in 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 12 November 2015

At The Hague, the Netherlands