



Original: **French**

No.: **ICC-01/04-01/07**
Date: **7 September 2017**

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. GERMAIN KATANGA***

Public Document

**Request by the Legal Representative of Victims for Extension of the Authorized
Page Limit for his Observations on the Trust Fund for Victims' Draft
Implementation Plan (ICC-01/04-01/07-3751-Red)**

Source: Legal Representative of Victims

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

Office of the Prosecutor

**Counsel for the Defence of Germain
Katanga**

Mr David Hooper

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

Ms Paolina Massidda

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Trust Fund for Victims

Mr Pieter de Baan

Executive Director

A. Procedural background

1. On 24 March 2017, the Chamber issued the Order for Reparations pursuant to article 75 of the Statute (“Order for Reparations”),¹ wherein, for the purpose of reparations, it accorded the *locus standi* of victim to two hundred and ninety-seven (297) applicants for reparations – of whom two hundred and eighty-three (283) are represented by the Legal Representative – and awarded them both individual and dedicated collective reparations² for the total harm suffered, which it assessed at USD 3,752,620. The Chamber set the reparation award for which Mr Katanga is liable at USD 1,000,000.

2. In the operative part of the Order for Reparations, the Chamber directed the Trust Fund for Victims (“Trust Fund”) to prepare a draft plan for the implementation of the Order for Reparations (“Draft Plan”) to be submitted to the Chamber by 27 June 2017. The Chamber also directed observations on the Draft Plan from the Legal Representative and the Defence by 28 July 2017. On 22 June 2017, in response to a request by the Trust Fund,³ the Chamber extended the time limit for submitting the Draft Plan to 11 July 2017.⁴ This time limit was further extended to 25 July 2017 by another decision of the Chamber,⁵ again in response to a request by the Trust Fund.⁶

3. On 25 July 2017, the Trust Fund filed its draft implementation plan.⁷

4. In the Chamber’s decision granting the Trust Fund a second extension of time, it set 4 September 2017 as the time limit for the Legal Representative, the Defence and

¹ “Order for Reparations pursuant to Article 75 of the Statute”, ICC-01/04-01/07-3728-tENG, with one public annex (Annex I) and one confidential annex *ex parte* Common Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II).

² Order for Reparations, operative part, pp. 118-119.

³ “Request for an extension of time”, 20 June 2017, ICC-01/04-01/07-3743.

⁴ “Decision granting the Trust Fund for Victims an extension of time for Submission of the Draft Implementation Plan”, 22 June 2017, ICC-01/04-01/07-3744-tENG.

⁵ “Decision Granting the Trust Fund for Victims Access to Document ICC-01/04-01/07-3728-Conf-Exp-AnxII and an Extension of the Time Limit to Submit the Draft Implementation Plan for Reparations”, 11 July 2017, ICC-01/04-01/07-3749-tENG.

⁶ “Joinder to the access request of the Legal Representative and Request for an extension of time”, 10 July 2017, ICC-01/04-01/07-3748.

⁷ “Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728)”, ICC-01/04-01/07-3751-Red (the French translation was notified on 21 August 2017).

the Office of Public Counsel for Victims (“OPCV”) to submit their observations. In response to a request made by the Legal Representative,⁸ the time limit for submitting the observations was extended to 11 September 2017.⁹

5. The Chamber's Order for Reparations did not set a page limit for the draft implementation plan or for the parties’ observations on the Draft Plan.

B. Purpose of the request

6. Pursuant to regulation 37 of the Regulations of the Court, the Legal Representative requests the Chamber to extend the number of pages authorized for the submission of observations on the Trust Fund’s draft implementation plan to a maximum of 40 pages.

C. Submissions

7. Thus far, the Legal Representative has considered that it would be possible to present his observations within the 20-page limit prescribed under regulation 37 of the Regulations of the Court. He has done his utmost to stay within that limit by systematically paring down all the parts, by summarizing and by discarding certain points.

8. Despite all efforts to comply with the page limit in accordance with regulation 37 of the Regulations of the Court, the Legal Representative considers that he has reached the limit of the cuts he can reasonably make if he wishes to file observations that are truly relevant to the Chamber, the Defence, the OPCV and the Trust Fund. The Legal Representative considers that any further condensation of his written observations will render them too brief on certain points, thus depriving the Chamber, the parties and the participants of any clarification concerning important issues and the reasoning of the Legal Representative.

9. Further, the Legal Representative wishes to point out that his observations are in response to the draft implementation plan which is 52 pages long¹⁰ with five

⁸ “*Demande de prorogation de délai*”, 23 August 2017, ICC-01/04-01/07-3754.

⁹ “*Decision accordant une prorogation de délai afin de déposer des observations sur le projet de plan de mise en œuvre du 25 juillet 2017*”, 29 August 2017, ICC-01/04-01/07-3759.

¹⁰ The original version in English is 48 pages long: ICC-01/04-01/07-3751-Conf and ICC-01/04-01/07-3751-Red.

annexes. Three of the five annexes are available to the Legal Representative: Annex 1 (5 pages), Annex 2 (3 pages) and Annex 5 (49 pages).

10. The Legal Representative was unable to file this request earlier for the simple reason that to date, he has been seeking ways of reducing as much as possible the number of pages of his submissions.

FOR THESE REASONS, the Legal Representative RESPECTFULLY REQUESTS THE CHAMBER to admit this request and to grant it.

[signed]

Fidel Nsita Luvengika

Legal Representative of Victims

Dated this 7 September 2017

At Charleroi, Belgium