

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

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

Public Document

**Request to extend the time limit for the transmission of applications for
reparations pursuant to regulation 35 of the Regulations of the Court**

Source: Registry

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

Office of the Prosecutor
Ms Fatou Bensouda

Counsel for 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

**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**
Ms Fiona McKay

Other

The Registrar of the International Criminal Court (“the Court”);

NOTING the Decision of Pre-Trial Chamber II (“the Chamber”) on the request for clarification concerning the implementation of rule 94 of the Rules of Procedure and Evidence and future stages of the proceedings, notified on 8 May 2015 (“the Decision of 8 May 2015”), directing (1) the Legal Representative of Victims, in consultation with the Registry, to append to the 305 requests for participation in proceedings and/or requests for reparations initially presented, to the extent possible, any supporting documentation attesting, in particular, to the extent of the harm suffered and the causal link between the alleged harm and the crime committed, and the Registry to file the consolidated documents by 1 October 2015; directing (2) the Legal Representative of Victims, in consultation with the Registry, to submit any requests for reparations, or any other information needed to complete the reparations requests of participating victims who have not yet been consulted about the reparations measures sought, by 1 October 2015; and directing (3) the Registry to transmit to the Chamber and to the parties a redacted version of any other request for reparations by 1 October 2015;¹

NOTING the Decision of the Chamber concerning the “Defence Request for the Disclosure of Unredacted or Less Redacted Victim applications”, notified on 1 September 2015 (“the Decision of 1 September 2015”), directing, *inter alia*, the Registry to transmit to the Chamber and to the Defence, on 1 October 2015, redacted versions of all consolidated applications for participation in proceedings and/or reparations, pursuant to the Decision of 8 May 2015, in accordance with the instructions set out by the Chamber in its Decision of 1 September 2015 (“the Consolidated Document”);²

¹ ICC-01/04-01/07-3546, paras. 17-19.

² ICC-01/04-01/07-3583, paras. 15, 19 and 24-26.

NOTING articles 68(1), 64(2) and 75 of the Rome Statute; rules 87, 94 and 97 of the Rules of Procedure and Evidence; regulations 24 *bis*, 35 and 88 of the Regulations of the Court (“the Regulations”); and regulation 110 of the Regulations of the Registry;

CONSIDERING that, as soon as the Decision of 8 May 2015 was notified, the Legal Representative of Victims and the Registry made contact with each other in order to implement it; that the Registry is therefore aware that, since June 2015, the Legal Representative of Victims and the members of his team have been working actively in the field to gather information and supporting documentation from victims who have participated in the proceedings and that this work involves organising interviews with victims and third parties who can prepare supporting documentation, collating the information gathered, and carrying out the necessary checks on the collected information and supporting documentation before they are transmitted to the Registry;

CONSIDERING that, in parallel and in consultation with the Legal Representative of Victims, the Registry is helping to identify potential new applicants for reparations and that, to date, the Legal Representative of Victims has managed to meet a number of new applicants and active steps are being taken by the Registry to facilitate access to other potential applicants;

CONSIDERING that the Legal Representative of Victims informed the Registry that, bearing in mind the time that he needed to collect the information required by the Decision of 8 May 2015, he would be in a position to transmit the collected documents to the Registry from mid-September onwards;³

³ Information relayed by telephone by the team of the Legal Representative of Victims to the Victims Participation and Reparations Section on 25 and 28 August 2015.

CONSIDERING that the collected information could concern almost 400 victims⁴ and that, before the Consolidated Document is transmitted, this information must be stored in the Registry's database, analysed and redacted in accordance with the instructions set out in the Decision of 1 September 2015;

CONSIDERING that, in the view of the Registry, the preparation of the Consolidated Document, as set out above, requires the time limit initially set by the Chamber to be extended by two months;

CONSIDERING that consultation regarding the present request took place between the Registry and the Legal Representative of Victims and the Registry informed the legal representative of victims that it intended to file a request before the Chamber to extend the time limit of 1 October 2015 for the submission of the Consolidated Document;

CONSIDERING that, in the view of the Registry, the factors set out above constitute a good cause that justifies the present request within the meaning of regulation 35 of the Regulations;

RESPECTFULLY REQUESTS the Chamber to grant the Registry's request by extending to 1 December 2015 the time limit initially set at 1 October 2015 for filing the original and redacted versions of the Consolidated Document.

⁴ This number includes, to the extent possible, the 305 victims participating in the proceedings who were consulted by the Registry and the Legal Representative of Victims in 2014, the 59 participating victims who could not be consulted in 2014, and an unknown number of potential new applicants who are in the process of being identified.

[signed]

Marc Dubuisson, Director, Division of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 7 September 2015

At The Hague, the Netherlands