

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/04-01/07**

Date: **20 June 2017**

TRIAL CHAMBER II

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public document

Request for an extension of time

Source: The Trust Fund for Victims

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

The Office of the Prosecutor

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Counsel for Germain Katanga

Mr David Hooper

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Legal Representative of Victims

Mr Fidel Nsita Lubengika

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Trust Fund for Victims

Mr Pieter de Baan, Executive Director,
Secretariat

REGISTRY

Registrar

Mr Herman von Hebel

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

1. Pursuant to regulation 35 (1) of the Regulations of the Court, the Trust Fund for Victims (hereinafter “Trust Fund”) respectfully requests an extension of the time limit for the submission of its draft implementation plan as set in Trial Chamber II’s « Ordonnance de réparation en vertu de l’article 75 du Statut »¹ (hereinafter “Trial Chamber” and “Order for Reparations”, respectively) The Trust Fund respectfully requests that the deadline for the submission of the draft implementation plan be extended to Tuesday, 11 July 2017.

I. BACKGROUND

2. On 24 March 2017, the Trial Chamber issued the Order for Reparations against Mr Katanga, in which it instructed the Trust Fund to submit its draft implementation plan relevant to the Order for Reparations by 27 June 2017.²

3. In the Order for Reparations, the Trial Chamber ordered awards for reparations to 297 victims, comprised of an individual symbolic compensation award³ and four collective awards in the form of housing assistance, education assistance, income-generating activities, and psychological rehabilitation.⁴ The Trial Chamber held that the collective reparations awards should be « ciblées au bénéfice de chaque victime de M. Katanga que la Chambre a identifiée »⁵ and also instructed the Trust Fund « de prendre contact avec le Gouvernement de la RDC en vue d’établir la manière dont il pourrait contribuer au processus des réparations ».⁶

4. Also on 24 March 2017, in a separate order, the Trial Chamber set a deadline of one month for *inter alia* the legal representatives in the present case to obtain the consent of their respective clients for the transmission of their confidential information to the Trust Fund.⁷

II. REQUEST FOR A VARIATION OF THE TIME LIMIT

5. For the reasons set out below, the Trust Fund submits that good cause exists for it to be granted a limited extension of two weeks, i.e. until 11 July 2017, for the submission of its draft implementation plan in the *Katanga* case.

¹ [ICC-01/04-01/07-3728](#).

² [Order for Reparations](#), para. 309.

³ [Order for Reparations](#), pp. 112-113.

⁴ [Order for Reparations](#), para. 306.

⁵ See [Order for Reparations](#), paras 295, 303-307.

⁶ [Order for Reparations](#), para. 325.

⁷ Ordonnance enjoignant aux parties de soumettre des propositions d’expurgations et aux victimes de donner leur consentement à la communication au Fonds au profit des victimes de leurs coordonnées, [ICC-01/04-01/07-3729](#).

6. First, the Trust Fund would recall that, despite the best efforts of VPRS and the legal representatives, the receipt of the victim information in this case has taken more time than the one month originally foreseen in the Trial Chamber's order.⁸ In this regard, the Trust Fund would highlight in particular the difficulties encountered by the OPCV legal representative team.⁹ The Trust Fund does now possess the necessary information for the majority of victims that will enable it to ensure that the collective programmes put forward in its draft implementation plan are appropriately tailored and responsive to the harms suffered and remedies sought thereto of the individual victims to the extent possible as instructed by the Trial Chamber. However, given the unavoidable delay in receiving this crucial information, the Trust Fund considers that it needs a limited amount of further time to carefully analyse and incorporate this information into the programmatic framework of its draft implementation plan. Further, with regard to OPCV's clients, the Trust Fund considers that a limited extension would also permit it to further engage with the legal representative with regards to the specificities of her clients' situations and that such further consultation will improve the substance of the draft implementation plan.

7. Second, the Trust Fund would like to inform the Trial Chamber that, due to logistical and scheduling reasons, it was only able to conduct its mission to the DRC over the course of last week (12-16 June 2017). The mission was undertaken to comply with the Trial Chamber's instruction for the Trust Fund to contact the DRC government regarding how it may positively participate in the reparations programme. The mission was jointly undertaken with the legal representative of victims, Mr Nsita, and involved not only meeting with a range of high-ranking government Ministers and officials in Kinshasa and Bunia, but also with a large group of victims in Bogoro. In the Trust Fund's view, important information was obtained during this mission. However, the Trust Fund submits that the current deadline does not provide it with adequate time to incorporate this information into the draft implementation plan in a manner that will engender constructive cooperation from the government in regard of the implementation of the awards.

⁸ Registry Transmission to the Trust Fund for Victims of Updated Information on 283 Victims, 26 May 2017, ICC-01/04-01/07-3742-Conf-Exp.

⁹ See Proposition d'expurgations de l'Annexe II à l'Ordonnance de réparation du 24 mars 2017 et Informations relatives au consentement des victimes représentées par le BCPV afin de transmettre leurs dossiers au Fonds au profit des victimes, 24 April 2017, ICC-01/04-01/07-3736. On 14 June 2017, the OPCV legal representative informed the Trust Fund that they are now in possession of updated information with respect to their clients.

8. Finally, the Trust Fund recalls that all submissions made before the Court by the Secretariat are submitted on behalf of the Trust Fund's Board of Directors. As the Trust Fund has previously submitted in other reparations proceedings, this means that the preparation of any submission includes an internal review and approval process by the Board of Directors before the Trust Fund Secretariat can file any document and this process takes at a minimum five working days.

9. The Trust Fund appreciates and acknowledges the Trial Chamber's desire for reparations in the present case to proceed expeditiously and without delay, including in terms of the development and submission of the draft implementation plan. In this regard, the Trust Fund respectfully submits that an extension of two weeks will not unduly delay the proceedings and will, in its view, ultimately result in the Trial Chamber receiving a more carefully crafted and thought out draft implementation plan.

10. Accordingly, the Trust Fund respectfully requests that it be granted an extension of the time limit of two weeks, i.e. to Tuesday, 11 July 2017, to submit its draft implementation plan and submits that good cause within the meaning of regulation 35 (1) of the Regulations of the Court exists for the requested extension in light of the reasons set out above.

FOR THE FOREGOING REASONS

The Board of Directors of the Trust Fund for Victims respectfully submits this request for an extension of time.



Pieter W.I. de Baan
Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 20 June 2017

At The Hague, The Netherlands