



Original: **French**

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

Date: **20 March 2017**

**TRIAL CHAMBER II**

**Before:** Judge Marc Perrin de Brichambeau, 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 redacted version of  
Second Request for an Extension of the Time Limit for Filing Additional  
Applications for Reparations of Potential Beneficiaries**

**Source:** Office of Public Counsel for Victims

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 the Defence**

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

**Legal Representatives of V01 Victims**

Mr Luc Walley

Mr Franck Mulenda

**Legal Representatives of Applicants**

**Legal Representatives of V02 Victims**

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

**Unrepresented Applicants for  
Participation/Reparations**

**Office of Public Counsel for Victims**

Ms Paolina Massidda

Ms Sarah Pellet

Ms Caroline Walter

**Office of Public Counsel for the  
Defence**

**States' Representatives**

**Trust Fund for Victims**

**REGISTRY**

---

**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

## I. INTRODUCTION

1. On 20 December 2016, the Legal Representative of potential beneficiaries of reparations (“Legal Representative”) filed a request for an extension to 30 June 2017 of the time limit for filing all the applications for reparations of potential beneficiaries (“First Request for Extension of Time Limit”).<sup>1</sup>

2. On 22 December 2016, Trial Chamber II (“Chamber”) extended to 31 March 2017 the deadline for completing the identification process and the preparation and transmission of the files of the reparations applications.<sup>2</sup>

3. The Legal Representative again respectfully requests an extension to 30 June 2017 of the time limit for transmitting the applications for reparations in their entirety to the Registry. Notwithstanding the four field missions conducted pursuant to the Chamber’s Order of 21 October,<sup>3</sup> it has proven impossible to complete all the previously collected applications and to meet all the potential beneficiaries previously identified by the Registry.

4. A three-month extension of the deadline will enable the Legal Representative’s team to complete some of the applications collected during past field missions – for which additional information is necessary – and to finish compiling additional applications of potential beneficiaries whom the Office of Public Counsel for Victims (“OPCV”) has thus far been unable to meet.

---

<sup>1</sup> “*Demande de prorogation du délai aux fins de dépôt des demandes en réparation supplémentaires de bénéficiaires potentiels*”, ICC-01/04-01/06-3266-Conf, 20 December 2016.

<sup>2</sup> “Order to complete the process of identifying victims potentially eligible to benefit from reparations” (Trial Chamber II), ICC-01/04-01/06-3267-tENG, 22 December 2016 (dated 21 December 2016).

<sup>3</sup> “Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016”, ICC-01/04-01/06-3252, 21 October 2016.

## II. PROCEDURAL HISTORY

5. On 15 July 2016, the Chamber issued its “Order instructing the Registry to provide aid and assistance to the Legal Representatives and the Trust Fund for Victims to identify victims potentially eligible for reparations”.<sup>4</sup>

6. On 21 October 2016, the Chamber issued two orders: one authorizing the implementation of the symbolic reparations project proposed by the Trust Fund<sup>5</sup> and another relating to the OPCV’s Request.<sup>6</sup>

7. On 20 December 2016, the Legal Representative filed the First Request for Extension of Time Limit.<sup>7</sup>

8. On 22 December 2016, the Chamber issued the “Order to complete the process of identifying victims potentially eligible to benefit from reparations”.<sup>8</sup>

9. This submission is filed as confidential as it contains information concerning the Legal Representative’s fieldwork that could be used to identify some individuals. A public redacted version is being filed at the same time.

---

<sup>4</sup> “Order instructing the Registry to provide aid and assistance to the Legal Representatives and the Trust Fund for Victims to identify victims potentially eligible for reparations” (Trial Chamber II), ICC-01/04-01/06-3218-tENG, 15 July 2016.

<sup>5</sup> “Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparations”, ICC-01/04-01/06-3251, 21 October 2016.

<sup>6</sup> “Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016”, footnote 3, above.

<sup>7</sup> “*Demande de prorogation du délai aux fins de dépôt des demandes en réparation supplémentaires de bénéficiaires potentiels*”, footnote 1, above.

<sup>8</sup> “Order to complete the process of identifying victims potentially eligible to benefit from reparations”, footnote 2, above.

### III. REQUEST FOR EXTENSION OF THE TIME LIMIT

10. The Order issued by the Chamber on 22 December 2016 instructed the Legal Representative to transmit the applications of potential beneficiaries, as they became ready, by the 30 March 2017 deadline.

11. Further to this Order, the Legal Representative's team undertook two additional field missions, from 2 to 17 February ("Third Mission") and from 2 to 17 March 2017 ("Fourth Mission").

12. During these last two missions, the Legal Representative's team was able to meet applicants living in or around the following *localités*: [REDACTED].

13. The Legal Representative informs the Chamber that some of the applications collected during the four missions remain incomplete because the victims concerned have yet to provide documents to support their applications. It is often difficult for victims to obtain all the required documents, either for logistical reasons – they cannot easily travel from the village where they live to the location where they may apply for official documents to be issued, or for financial reasons – they cannot afford to pay for certain official documents to be issued. In that respect, despite all their efforts, the Legal Representative's team and its partners were unable to complete these applications for the 30 March deadline to be met, leaving the applicants concerned in suspense as to whether they would be able to participate in the reparations proceedings.

14. Moreover, on 1 March 2017, the Head of the Kinshasa Field Office informed the Legal Representative that, during the outreach missions conducted in early 2017 in new *localités*, potential beneficiaries had come forward and asked whether they could submit reparations applications. The Head of Field Office stressed that the areas concerned were very sensitive for Court operations as they were “pro-Lubanga” areas. On this matter, the Legal Representative concurs with the assessment of the Head of Field Office, who is of the opinion that the perception of the Court and its image rely heavily on the victims in the “pro-Lubanga” areas being afforded the same opportunities to submit reparations applications as other victims living elsewhere in Ituri. Enabling those applicants to submit applications for reparations would enhance the transparency, neutrality and impartiality of the reparations phase.

15. The Legal Representative also stresses the need to extend the previously set deadline by three months to avoid excluding a high number of victims concerned by this case. Some of them simply did not have the opportunity to come and meet the members of her team during their missions because they did not have the time and/or were unavailable.

16. The Legal Representative also wishes to recall that the working method applied, as described in her previous submissions, proved efficient and cost-effective in terms of the budget. Thus far, 213 applications have already been transmitted to the Victims Participation and Reparations Section and the 100 or so collected during the Fourth Mission will be transmitted in the forthcoming days. Lastly, about 300 additional applicants have already been identified, some of whom have already been in contact with the Legal Representative’s team.

#### IV. CONCLUSION

17. Accordingly, the Legal Representative respectfully requests the Chamber to grant an extension to 30 June 2017 of the time limit for transmitting to the Registry the additional applications for reparations of potential beneficiaries.

[signed]

---

**Paolina Massidda**  
**Principal Counsel**

Dated this 20 March 2017

At The Hague, Netherlands