

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **9 February 2018**

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
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

Request for an extension of the time limit

Source: The Trust Fund for Victims

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

Counsel for the Defence

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Legal Representatives of Victims V01

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Legal Representatives of Victims V02

Ms Carine Bapita Buyanandu

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Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

**Victims Participation and Reparation
Section**

Mr Philipp Ambach

1. Pursuant to regulation 35 (1) of the Regulations of the Court, the Trust Fund for Victims (“Trust Fund”) respectfully requests a very limited extension of the time limit for the submission of its response to the order of Trial Chamber II (“Trial Chamber”) requesting information from the Trust Fund in relation to the procedure for determining victim status during the implementation stage of the case.¹ (“25 January 2018 Order”). The Trust Fund respectfully requests that the deadline for the submission of its response be extended to 15 February 2018.

I. BACKGROUND

2. On 15 December 2017, Trial Chamber issued its decision fixing the amount of Mr Thomas Lubanga Dyilo’s liability for reparations in the present case (“Mr Lubanga” and “Decision of 15 December 2017”, respectively).²

3. In its Decision of 15 December 2017, the Trial Chamber requested that the Board of Directors of the Trust Fund (“TFV Board”) indicate whether, pursuant to regulation 56 of the Regulations of the Trust Fund for Victims (“TFV Regulations”), it would complement the payment of the collective awards for reparations ordered against Mr Lubanga or whether it would undertake activities in order to raise further funds (“Complement Funding Request”).

4. The TFV Board was given until 15 February 2018 to notify the Trial Chamber of its decision on the Complement Funding Request.

5. Also in its Decision of 15 December 2017, the Trial Chamber ordered the Trust Fund to provide observations by 15 January 2018 on the possibility of locating and identifying additional eligible victims with the assistance of the Office of Public Counsel for Victims

¹ Order Directing Further Information from the Trust Fund for Victims on the Procedure for Determining Victim Status at the Implementation Stage of Reparations, 25 January 2018, [ICC-01/04-01/06-3391-ENG](#).

² Corrected version of the « Décision fixant le montant des réparations auxquelles Thomas Lubanga Dyilo est tenu », 21 December 2017, ICC-01/04-01/06-3379-Red-Corr, with two public annexes (Annex I and Annex III) and one confidential annex, ex parte Registry, Trust Fund for Victims, Legal Representatives of V01 and V02 groups of Victims and Office of Public Counsel for Victims (Annex II) and confidential redacted version of Annex II. The decision and annexes were given on 15 December 2017 and the corrected versions were filed on 21 December 2017.

(“OPCV Legal Representative”) and the two teams of legal representatives of victims (“Legal Representatives V01 and V02”, collectively).

6. The Trust Fund filed said observations on 15 January 2018.³

7. In its 25 January 2018 Order, the Trial Chamber directed the Trust Fund to provide further information on its anticipated procedure for determining potential victims’ eligibility in the collective reparations awards. In particular, the Trial Chamber asked the Trust Fund to answer by 12 February 2018 four questions regarding the Trust Fund’s proposed procedure for examining, at the implementation stage, victims’ eligibility for reparation⁴ (“Observations in relation to the procedure for determining victim status”, or the “12 February 2018 Filing”).

II. REQUEST FOR VARIATION OF THE TIME LIMIT

8. On 27 January 2018, Trust Fund’s Associate Legal Officer responsible for the *Lubanga* case left on an extended and pre-scheduled mission to the field in relation to another case at the reparations phase (“Field Mission”).

9. On 5 February 2018, the Trust Fund engaged an external consultant to travel to The Hague to conduct consultations with the Victims Participation and Reparations Section (“VPRS”), the OPCV Legal Representative, and Legal Representatives V01 and V02, as well as to serve as a liaison with the Trust Fund’s Associate Legal Officer for the purposes of the 12 February 2018 Filing.

10. The Associate Legal Officer and the Trust Fund’s consultant have been working in concert to prepare the Trust Fund’s Observations in relation to the procedure for determining victim status filing and have made significant progress on these matters.

11. However, unforeseen circumstances have arisen in the Field Mission that will require the full attention of the Associate Legal Officer over the coming weekend.

³ Observations in relation to locating and identifying additional victims pursuant to the Trial Chamber’s decision of 15 December 2017, 15 January 2018, [ICC-01/04-01/06-3386](#).

⁴ 25 January 2018 Order, para. 5.

12. In addition, the Trust Fund's consultant is available until the end of day on 13 February 2018. A minor extension to the filing deadline will allow the Trust Fund to make use of the consultant's services for a further day.

13. The Trust Fund recalls that all its submissions made before the Court are on behalf of the TFV Board. This means that the preparation of any submission includes an internal review and approval process by the TFV Board before the Trust Fund Secretariat may file any document before the Court.

14. Considering that the Trust Fund will already be filing its response to the Trial Chamber's Complement Funding Request on 15 February 2018, the Trust Fund respectfully submits that it would be most efficient to seize the TFV Board for prior approval of the important matters raised in both the Complement Funding Request and 25 January 2018 Order at the same time.

15. Accordingly, the Trust Fund respectfully requests that it be granted a short 3 day extension to 15 February 2018 by which to file the Trust Fund's Observations in relation to the procedure for determining victim status, and it hereby submits that good cause within the meaning of regulation 35 (1) of the Regulations of the Court exists for the requested extension given the above stated reasons.

FOR THE FOREGOING REASONS

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



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

Dated the 9th of February 2018

At The Hague, The Netherlands