

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-01/06 A 4 A 5 A 6

Date: 20 September 2013

THE APPEALS CHAMBER

Before:
Judge Erkki Kourula, Presiding Judge
Judge Sang-Hyun Song
Judge Sanji Mmasenono Monageng
Judge Anita Ušacka
Judge Ekaterina Trendafilova

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public document

Decision on requests for an extension of the time limit

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Mr Fabricio Guariglia

Counsel for the Defence
Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01
Mr Luc Walley
Mr Franck Mulenda

Legal Representatives of Victims V02
Mr Joseph Keta Orwinyo
Mr Paul Kabongo Tshibangu
Ms Carine Bapita Buyangandu

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Thomas Lubanga Dyilo against the decision of Trial Chamber I entitled “Judgment pursuant to Article 74 of the Statute” of 14 March 2012 (ICC-01/04-01/06-2842), and

In the appeals of Mr Thomas Lubanga Dyilo and the Prosecutor against the decision of Trial Chamber I entitled “Decision on Sentence pursuant to Article 76 of the Statute” of 10 July 2012 (ICC-01/04-01/06-2901),

Having before it the Legal Representatives for Victims V02’s “Demande d’extension de délai pour l’équipe V02 de représentants légaux de victimes aux fins de soumettre ses observations, conformément à la décision ICC-01/04-01/06-3045-Conf-Red A4 A5 A6” of 12 September 2013 (ICC-01/04-01/06-3048), and the Legal Representatives for Victims V01’s “Réponse à la demande d’extension de délai pour faire des observations complémentaires introduite par le groupe de victimes V02 le 12 septembre 2013” of 18 September 2013 (ICC-01/04-01/06-3049),

Renders the following

DECISION

1. The abovementioned applications for an extension of the time limit are granted in so far as the Legal Representatives of Victims V01 and V02 may, on behalf of the 30 victims authorised to participate in the proceedings, each provide consolidated observations on the documents in support of the appeals (ICC-01/04-01/06-2948-Conf; ICC-01/04-01/06-2949; ICC-01/04-01/06-2950) by 16h00, on 11 October 2013.
2. Mr Lubanga and the Prosecutor may each file a consolidated response to the observations filed pursuant to paragraph 1) by 16h00, on 21 October 2013.

REASONS

1. On 27 August 2013, the Appeals Chamber authorised 30 victims to participate in the present appeals proceedings for the purpose of presenting their views and

concerns in respect of their personal interests.¹ The Appeals Chamber found it appropriate to give them the opportunity to file observations to the documents in support of the present appeals and accordingly set a time limit to file such observations by 23 September 2013. The Appeals Chamber further stated that Mr Lubanga and the Prosecutor may respond to any additional submission by 30 September 2013. The 30 victims are represented in the present proceedings by the Legal Representatives of Victims V01 and the Legal Representatives of Victims V02.²

2. On 12 September 2013, the Legal Representatives of Victims V02 filed a request for a time extension until 23 October 2013, submitting that this extension was necessary to meet with their new clients and collect their views and concerns.³ On 18 September 2013, the Legal Representatives of Victims V01 filed a request to the same effect.⁴

3. Regulation 35 (2), first sentence, of the Regulations of the Court provides that “[t]he Chamber may extend or reduce a time limit if good cause is shown”. The Appeals Chamber notes that the Legal Representatives of Victims V01 and V02 state that they have been unable to liaise with the victims they are representing.⁵ In the view of the Appeals Chamber, while more details as to the reason for seeking an

¹ “Decision on 32 applications to participate in proceedings”, ICC-01/04-01/06-3045-Conf-Exp; hereinafter: “Decision on 32 Victims Applications”. A Confidential redacted *inter partes* version and a public redacted version were simultaneously rendered, see ICC-01/04-01/06-3045-Conf-Red and -Red2.

² The Appeals Chamber held that among the 30 victims authorised to participate in the appeals proceedings, 26 victims were already represented by the Legal Representatives of Victims V02 (namely a/0032/10, a/0034/10, a/0036/10, a/0189/07, a/0241/06, a/0737/10, a/2015/11, a/2016/11, a/2017/11, a/2018/11, a/2019/11, a/2020/11, a/2916/11, a/2918/11, a/2919/11, a/2920/11, a/2921/11, a/2923/11, a/2924/11, a/2925/11, a/2926/11, a/2927/11, a/2928/11, a/2929/11, a/2930/11 and a/2931/11; See Decision on 32 Victims Applications para. 167), victim a/2901/11 will be represented by the Legal Representatives of Victims V01 (See Decision on 32 Victims Applications, para. 169). As to the three remaining victims, in its “Report on the legal representation of victims a/0198/09, a/2899/11 and a/2917/11 participating in the proceedings”, dated 6 September 2013, in accordance with the Appeals Chamber’s order, the Registry informed the Appeals Chamber that after having consulted with a/2917/11 (while it could not reach a/0198/09 and a/2899/11) as well as with the Legal Representatives of Victims V01 and V02, victim a/2917/11 will be represented by the Legal Representatives of Victims V02 and victims a/0198/09 and a/2899/11 will be represented by the Legal Representatives of Victims V01. See ICC-01/04-01/06-3047, p. 4.

³ ICC-01/04-01/06-3048, paras 12-13. (hereinafter: “V02’s Request”).

⁴ “Réponse à la demande d’extension de délai pour faire des observations complémentaires introduite par le groupe de victimes V02 le 12 septembre 2013”, ICC-01/04-01/06-3049 (A 4, A 5, A 6). It should be noted that despite the title of the filing, referring to a “response”, the Legal Representatives for Victims V01 filed a request (hereinafter: “V01’s Request”).

⁵ See V02’s Request, para. 13 and V01’s Request, para. 4.

extension should have been provided, this nevertheless constitutes “good cause” for a time extension. In this regard, the Appeals Chamber also notes that the Legal Representatives of Victims V01 and V02 were only informed that they would have to liaise with new victims on 27 August 2013 for 27 of the 30 victims⁶ and on 6 September 2013 for the three other victims.⁷

4. As to the length of the extension sought, the Appeals Chamber considers that the reasons advanced by the Legal Representatives of Victims V01 and V02 justify a limited extension of the time limit only. Accordingly, the Appeals Chamber determines that the time limit for the filing of the consolidated observations to the documents in support of the appeals A4, A5 and A6 by the Legal Representatives of Victims V01 on the one hand and of Victims V02 on the other hand is extended to 16h00, on 11 October 2013. The Appeals Chamber extends the time limit for Mr Lubanga and the Prosecutor’s respective responses thereto to 16h00, on 21 October 2013.

Done in both English and French, the English version being authoritative.



Judge Erkki Kourula
Presiding Judge

Dated this 20 day of September 2013

At The Hague, The Netherlands

⁶ Decision on 32 Victims Applications, paras 167, 169.

⁷ “Report on the legal representation of victims a/0198/09, a/2899/11 and a/2917/11 participating in the proceedings”, 6 September 2013, ICC-01/04-01/06-3047, p. 3.