



Original: **French**

No.: ICC-01/04-01/06
Date: **23 September 2016**

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. THOMAS LUBANGA DYILO***

Public Document

**Decision granting an extension of time limit to submit observations on the
request of the Office of Public Counsel for Victims of 16 September 2016**

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

Office of the Prosecutor

Counsel for the Defence

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of V01 Victims

Mr Luc Walley

Mr Franck Mulenda

Legal Representatives of V02 Victims

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court, acting pursuant to regulation 35(2) of the Regulations of the Court (“the Regulations”), issues the following decision.

I. Procedural background

1. On 16 September 2016, the Office of Public Counsel for Victims (“the OPCV”) filed a request informing the Chamber of developments since the Chamber’s order of 15 July 2016¹ and seeking guidance on the modalities the Chamber wished to see put in place “[TRANSLATION] to further the reparations proceedings in the instant case”² (“the OPCV’s Request”).
2. On 20 September 2016, the Chamber issued an order fixing a timetable for the filing of observations on the Request³ (“the Order of 20 September 2016”).
3. On 21 September 2016, the Trust Fund for Victims (“the TFV”) filed a request for an extension of the time limit to submit its observations on the Request⁴ (“the Extension Request”).
4. On 22 September 2016, the OPCV filed a response to the Extension Request, asking the Chamber to reject it.⁵

¹ “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”, 15 July 2016, ICC-01/04-01/06-3218-tENG.

² “*Requête afin de solliciter des lignes directrices de la Chambre suite à l’Ordonnance émise le 15 juillet 2016*”, 16 September 2016, ICC-01/04-01/06-3222.

³ “Order setting time limits for observations on the motion of the Office of Public Counsel for Victims of 16 September 2016”, 20 September 2016, ICC-01/04-01/06-3224-tENG.

⁴ “Request for an extension of time limit”, 21 September 2016, ICC-01/04-01/06-3226 (“the Request”).

⁵ “*Réponse à la demande de prorogation de délai déposée par le Fonds au profit des victimes le 21 septembre 2016*”, 22 September 2016, ICC-01/04-01/06-3227 (“the OPCV’s Response”).

II. Analysis

5. The Chamber recalls that, according to the first sentence of regulation 35(2) of the Regulations, a Chamber may extend a time limit if good cause is shown.

6. In support of its request, the TFV asserts that the drafts prepared by its Secretariat must be submitted to the TFV Board of Directors for review and approval before they can be filed before the Court.⁶ Moreover, the TFV submits that this internal review process takes a minimum of five working days.⁷ Consequently, the time limit of 26 September set by the Chamber in its Order of 20 September 2016 does not allow enough time to complete the internal review process.⁸ The TFV accordingly requests that the time limit be extended to 3 October 2016.⁹

7. In its response, the OPCV submits that the TFV has known about the Request since 16 September 2016 and that the Request merely reiterates the developments already described in its observations of 1 July 2016¹⁰ and already discussed with the TFV and the Registry.¹¹ The OPCV also points out that the Chair of the Board of Directors is currently in The Hague and that this should facilitate the TFV's internal process.¹² Lastly, the OPCV submits that the Request merits immediate resolution by the Chamber.¹³ In the OPCV's view, therefore, the cause given by the TFV does not warrant an extension under regulation 35(2) of the Regulations.¹⁴

8. Although the points raised in the Request are not new, the Chamber considers that a one-week extension of the time limit, as sought by the TFV, is appropriate. Accordingly, the Chamber grants an extension until 3 October 2016. The Chamber also sees fit to grant the same extension to the Registry, so that the Chamber may receive the Registry's observations on the same day. Ultimately, the Chamber

⁶ Extension Request, para. 4.

⁷ Extension Request, para. 4.

⁸ Extension Request, para. 5.

⁹ Extension Request, para. 6.

¹⁰ "Réponse consolidée aux soumissions déposées le 31 mai et le 7 juin 2016 par le Fonds au profit des victimes", 1 July 2016, ICC-01/04-01/06-3212 and a confidential *ex parte* annex available only to the OPCV.

¹¹ OPCV's Response, para. 5.

¹² OPCV's Response, para. 6.

¹³ OPCV's Response, para. 8.

¹⁴ OPCV's Response, para. 7.

extends until 6 October 2016 the time limit set in the Order of 20 September 2016 for the legal representatives of victim groups V01 and V02 (“the Legal Representatives of V01 and V02 Victims”) and the Defence team representing Thomas Lubanga Dyilo (“the Defence”) to submit their observations on the Request and on the observations of the TFV and the Registry.

FOR THESE REASONS, the Chamber

GRANTS the Extension Request;

GRANTS the TFV and the Registry an extension of time limit until 3 October 2016 to submit their observations on the Request; and

EXTENDS until 6 October 2016 the time limit for the Legal Representatives of V01 and V02 Victims, and the Defence, to submit their observations on the Request and on the observations submitted by the TFV and the Registry by 3 October 2016.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccia

[signed]

Judge Péter Kovács

Dated this 23 September 2016

At The Hague, the Netherlands