

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **9 October 2018**

THE APPEALS CHAMBER

Before: Judge Piotr Hofmański, Presiding
Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

**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 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

Counsel for the Defence

Ms Catherine Mabile

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

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REGISTRY

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Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section Others

**Victims Participation and Reparations
Section**

1. Pursuant to regulation 35 (1) of the Regulations of the Court, the Trust Fund for Victims (“Trust Fund”) respectfully requests an extension of the time limit for the submission of its observations as set in the Appeal’s Chamber’s “Scheduling order for a hearing before the Appeals Chamber and invitation to the Trust Fund for Victims to submit observations”. Trust Fund respectfully requests that the deadline be extended to 15 November 2018.

I. BACKGROUND

2. On 21 September 2018, in relation to the appeals¹ against Trial Chamber II’s decision of 15 December 2017 (“Decision of 15 December 2017”),² the Appeals Chamber issued an order,³ in which it scheduled a hearing for 17 October 2018 and invited the Trust Fund to submit written observations by 11 October 2018, to which the parties would be able to respond orally at the hearing.⁴

3. From 15 to 29 September 2018, the Trust Fund’s legal staff was on a field mission in relation to a different case before the Court.

4. On 4 October 2018, the Appeals Chamber issued an order,⁵ postponing the hearing scheduled for 17 October 2018 until some time in December 2018.⁶

II. REQUEST FOR AN EXTENSION OF TIME

5. The Trust Fund respectfully requests an extension of time for the submission of its observations on the issues raised in the appeals against the Decision of 15 December 2017. First, the Trust Fund notes that, with the hearing’s postponement, the parties would still have ample time (at a minimum two weeks) to consider the Trust Fund’s submissions in advance of the rescheduled hearing if an extension were granted.

6. Second, the Trust Fund submits that an extension of time will permit it to more deeply consider the issues raised by the parties in their respective appeals, creating better conditions

¹ See ICC-01/04-01/06-3387; ICC-01/04-01/06-3388.

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.

³ Scheduling order for a hearing before the Appeals Chamber and invitation to the Trust Fund for Victims to submit observations, ICC-01/04-01/06-3419 (“Scheduling Order”).

⁴ Scheduling Order, p.3.

⁵ Order regarding the hearing scheduled by the Appeals Chamber, ICC-01/04-01/06-3423 (“Order rescheduling the hearing”).

⁶ Order rescheduling the hearing, p. 3.

for the desired quality of the Trust Fund's observations for the Appeals Chamber's consideration. In this regard, the Trust Fund would note that, due to relevant staff being on mission until the end of September in an area where there is no to very limited and unreliable internet connection, as well as pressing deadlines in other proceedings,⁷ they were not able, for reasons outside of its control, to work on the requested observations (or for that matter even access the appeal filings through Records Management) until returning to the Hague on 1 October 2018.

7. Finally, the Trust Fund would also call to the Appeals Chamber's attention that its legal staff is currently occupied with a major submission due on 2 November 2018 in another reparations proceedings,⁸ which, due to the very limited legal personnel at the Trust Fund, impacts upon the time and attention that can be devoted to the requested observations.

8. For the above-mentioned reasons, the Trust Fund submits that good cause exists for the requested extension.

FOR THE FOREGOING REASONS

The Board of Directors of the Trust Fund for Victims respectfully submits this request for an extension of time until 15 November 2018.



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 this 9 October 2018
At The Hague, The Netherlands

⁷ See in this respect, ICC-01/04-01/07-3809-Conf and ICC-01/04-01/07-3811-Conf; ICC-01/04-01/06-3418-Conf, ICC-01/04-01/06-3421, and ICC-01/04-01/06-3422.

⁸ See Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Public redacted version of 'Decision on Trust Fund for Victims' Draft Implementation Plan for Reparations', 12 July 2018, ICC-01/12-01/15-273-Red.