

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: French

No.: ICC-01/04-01/06  
Date: 12 November 2015

**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**

**Order fixing the schedule for the submission of observations on the draft  
implementation plan submitted by the Trust Fund for Victims**

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

**Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

**Counsel for Thomas Lubanga Dyilo**

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

**Legal Representatives of Victims**

**V01**

Mr Luc Walley

Mr Franck Mulenda

**Legal Representatives of Applicants**

**Legal Representatives of Victims**

**V02**

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

**Office of Public Counsel for Victims**

Ms Paolina Massidda

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Trust Fund for Victims**

Mr Pieter de Baan

**TRIAL CHAMBER II** (“the Chamber”) of the International Criminal Court, acting pursuant to article 75 of the Rome Statute, issues the following order.

### **I. Procedural Background**

1. On 3 March 2015, the Appeals Chamber delivered its judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”<sup>1</sup> and its annex “Order for Reparations (amended)”<sup>2</sup> (“Order”), directing the Trust Fund for Victims (“TFV”) to submit, within six months, i.e. by 3 September 2015, a draft implementation plan (“the Draft”) to give effect to the principles and procedures adopted in the Order.<sup>3</sup>
2. On 14 August 2015, in response to TFV’s request, the Chamber agreed to extend the time limit for the submission of the Draft to 3 November 2015.<sup>4</sup>
3. On 3 November 2015, TFV submitted the Draft.<sup>5</sup>
4. On 11 November 2015, the Office of Public Counsel for Victims filed a request calling for an extension of time to submit observations on the Draft.<sup>6</sup>

### **II. Analysis**

5. The Chamber notes that, pursuant to the Order, the parties shall have the opportunity to submit observations to the Chamber, before it approves the Draft, regarding those aspects of the Draft affecting their interests and rights.<sup>7</sup> Furthermore, the Chamber notes that, also pursuant to the Order, other interested persons or States may request leave of the Chamber to submit observations.<sup>8</sup>
6. In the view of the Chamber, the procedure concerning interested persons or States should first be addressed. To this end, it is the Chamber’s view that, in order to

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<sup>1</sup> “Judgment on the appeals against the ‘Decision establishing the principles and procedures to be applied to reparations’ of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2”, 3 March 2015, ICC-01/04-01/06-3129.

<sup>2</sup> “Order for Reparations”, 3 March 2015, ICC-01/04-01/06-3129-AnxA.

<sup>3</sup> *Ibid.*, para. 75.

<sup>4</sup> “Decision on the ‘Request for extension of time to submit the draft implementation plan on reparations’”, 14 August 2015, ICC-01/04-01/06-3161-tENG.

<sup>5</sup> “Filing on Reparations and Draft Implementation Plan”, 3 November 2015, ICC-01/04-01/06-3177-Red, and its two annexes (ICC-01/04-01/06-3177-AnxA and ICC-01/04-01/06-3177-Conf-Exp-AnxI).

<sup>6</sup> “*Demande de prorogation de délai aux fins de répondre à la soumission déposée par le Fonds au profit des victimes le 3 novembre 2015*”, 11 November 2015, ICC-01/04-01/06-3178.

<sup>7</sup> “Order”, paras. 77 and 80.

<sup>8</sup> *Ibid.*, para. 77.

ensure that the procedure is not delayed, the Prosecution and any other interested person or State should be authorised to submit observations that begin by stating their interest in participating and the points that they intend to address. The Chamber will rule on the admissibility of these observations in its decision on the Draft.

7. Secondly, it is the Chamber's view that the Legal Representatives of Victims, the Office of Public Counsel for Victims and the Defence team for Thomas Lubanga Dyilo may submit observations once the observations of interested persons or States have been received, as mentioned in the previous paragraph, which will enable them to submit observations on the Draft and to respond to the observations of the interested persons or States.

**FOR THESE REASONS, the Chamber,**

**INSTRUCTS** the Prosecution and interested persons or States to submit observations on the Draft, of no more than 20 pages, by 11 December 2015 and;

**INSTRUCTS** the Legal Representatives of Victims, the Office of Public Counsel for Victims and the Defence team for Thomas Lubanga Dyilo to submit observations, of no more than 40 pages, on the Draft, and on any other observations submitted by 11 December 2015, by 11 January 2016.

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

[signed]

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**Judge Marc Perrin de Brichambaut**  
**Presiding Judge**

[signed]

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**Judge Olga Herrera Carbuccia**

[signed]

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**Judge Péter Kovács**

Dated this 12 November 2015

At The Hague, the Netherlands