

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

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

Date: **29 March 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***

URGENT

Public

**Decision on the request of the Trust Fund for Victims for an extension of the time
limit for the submission of the first batch of files of potential victims**

Decision 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 Victims V02

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 article 75 of the Rome Statute and regulation 35 of the Regulations of the Court (“the Regulations”), issues the following decision:

1. On 9 February 2016, the Chamber instructed the Trust Fund for Victims (“the TFV”) to supplement the draft implementation plan submitted on 3 November 2015¹ (“the Order of 9 February 2016”). The Chamber instructed the TFV to prepare a file for each potential victim and to transmit a first batch of files to the Chamber by 31 March (“the first batch of files”), a second batch by 15 July and a third batch by 31 December 2016.²

2. On 23 March 2016, the TFV filed a request, under regulation 35 of the Regulations³ (“the Request”), for an extension of the time limit for the submission of the first batch of files. The TFV submitted that, owing to the complexity of the task, it was not in a position to transmit the first batch of files to the Chamber by 31 March 2016.⁴ In particular, the TFV noted the difficulties in organising joint missions with the Legal Representatives of victims (“the Legal Representatives”) in the field⁵ and in developing a file format – together with the Victims Participation and Reparations Section (“VPRS”), the Office of Public Counsel for Victims and the Legal Representatives – that included a consent form for the victims, meeting the criteria set out by the Chamber and compatible with the VPRS database.⁶ The TFV also informed the Chamber that the newly-elected TFV Board of Directors would be holding its first annual meeting from 18 to 21 April 2016 and that the instant case would be discussed at the meeting.⁷

¹ “Order instructing the Trust Fund for Victims to supplement the draft implementation plan”, 9 February 2016, ICC-01/04-01/06-3198-tENG.

² Order of 9 February 2016, paras. 17-18 and p. 12.

³ “Request for extension of time to submit the first transmission of potential victim dossiers”, 23 March 2016, ICC-01/04-01/06-3204.

⁴ Request, paras. 6 and 13.

⁵ Request, paras. 7-8 and 10.

⁶ Request, paras. 7 and 12.

⁷ Request, paras. 11 and 15.

3. The TFV submitted that, in the light of the above-mentioned difficulties, it needed an extension of two months to transmit the first batch of files to the Chamber⁸.

4. The Chamber recalls that, having regard to the first sentence of regulation 35(2) of the Regulations, a chamber may extend a time limit if good cause is shown. In the instant case, in the light of the reasons given by the TFV, the Chamber considers that there is good cause to extend the time limit for the submission of the first batch of files by two months.

⁸ Request, paras. 16-17 and p. 7.

FOR THESE REASONS, the Chamber

GRANTS the Request; and

ALLOWS an extension of the time limit for the submission of the first batch of files to 31 May 2016.

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

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

[signed]

Judge Olga Herrera Carbuccia

Judge Péter Kovács

Dated this 29 March 2016

At The Hague, the Netherlands