



Original: **French**

No.: **ICC-01/04-01/07**
Date: **29 August 2017**

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. GERMAIN KATANGA***

Public Document

**Decision Granting an Extension of the Time Limit to File Observations on the
Draft Implementation Plan of 25 July 2017**

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

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Counsel for Germain Katanga

Mr David Hooper

Ms Caroline Buisman

Office of Public Counsel for Victims

Ms Paolina Massidda

Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

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

1. On 24 March 2017, the Chamber issued an Order for Reparations against Germain Katanga (“Mr Katanga”), in which, among other things, it directed the Trust Fund for Victims (“Trust Fund”) to prepare a draft plan for the implementation of the Order for Reparations (“Draft Plan”) to benefit those of Mr Katanga’s victims whom the Chamber has identified, and to submit it to the Chamber by 27 June 2017.¹ The Chamber also directed the parties to file observations on the Draft Plan by 28 July 2017.²
2. On 25 July 2017, after having been granted two extensions of time,³ the Trust Fund filed its Draft Plan.⁴
3. On 23 August 2017, the Legal Representative of Victims (“Legal Representative”) filed a request for an extension of the time limit until 18 September 2017 to file his observations on the Draft Plan (“Request”).⁵ The Legal Representative explained that he would need two additional weeks to complete consultations with his clients, which are currently under way in the Democratic

¹ “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728-tENG (“Order for Reparations”), paras. 307 and 309, pp. 118-119, with one public annex and one confidential annex *ex parte*, Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (“Annex II”). A public version of Annex II was filed on 2 August 2017.

² Order for Reparations, p. 119.

³ “Decision granting the Trust Fund for Victims an extension of time for submission of the Draft Implementation Plan”, 22 June 2017, ICC-01/04-01/07-3744-tENG, and “Decision Granting the Trust Fund for Victims Access to Document ICC-01/04-01/07-3728-Conf-Exp-AnxII and an Extension of the Time Limit to Submit the Draft Implementation Plan for Reparations”, 11 July 2017, ICC-01/04-01/07-3749-tENG.

⁴ “Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728)”, 25 July 2017, French translation registered on 21 August 2017, ICC-01/04-01/07-3751-Conf, with one confidential annex, one public annex, one confidential annex *ex parte* Registry, one confidential annex *ex parte* Office of Public Counsel for Victims and one confidential annex *ex parte* Legal Representative of Victims. The redacted version of the Draft Plan and the redacted French version of the Draft Plan were filed on 25 July and 21 August 2017, respectively.

⁵ “Demande de prorogation de délai”, 23 August 2017, ICC-01/04-01/07-3754.

Republic of the Congo,⁶ as well as to compile the findings of these consultations in the observations to be submitted to the Chamber.⁷ In support of his request, he also described delays in finalizing observations on the Draft Plan related to various tasks he has had to undertake, such as preparing a presentation of the Draft Plan for the victims he represents; deadlines with respect to the appeal of the Order for Reparations; and a number of concomitant situations that have caused complications and some confusion among the victims in understanding the Order for Reparations and the ongoing process.⁸

4. The Chamber is of the view that it is important to receive the observations of the Legal Representative, on behalf of the victims he represents – provided that such observations are precise and specific – and that the consultations he is currently conducting could prove to be useful for that purpose. For the Chamber, therefore, the Legal Representative has shown good cause for requesting an extension of the time limit, in accordance with regulation 35(2) of the Regulations of the Court. The Chamber is nevertheless of the opinion that one additional week suffices to enable the Legal Representative to file his observations.

5. Lastly, the Chamber also considers that the time limit should be extended for the Office of Public Counsel for Victims (“OPCV”) and the Defence team for Mr Katanga (“Defence”) to finalize and file their respective observations on the Draft Plan.

⁶ ICC-01/04-01/07-3754, para. 8.

⁷ *Ibid.*, para. 13.

⁸ *Ibid.*, paras. 9-13.

FOR THESE REASONS, the Chamber

GRANTS IN PART the Request; and

EXTENDS the time limit to 11 September 2017 for the Legal Representative, the OPCV and the Defence to file their respective observations on the Draft Plan.

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 August 2017

At The Hague, Netherlands