

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **French**

No.: ICC-01/04-01/07
Date: 30 November 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***

Confidential

**Decision Granting the Request for an Extension of Time Filed by the Trust Fund
for Victims on 14 November 2017**

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

Legal Representative of Victims

Mr Fidel Nsita Luvengika

**Counsel for the Defence
of Mr 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 of the International Criminal Court ("Chamber" and "Court", respectively), in accordance with regulation 35(2) of the Regulations of the Court, issues the following decision.

I. Procedural History

1. On 12 October 2017, after having instructed the Trust Fund for Victims ("Trust Fund") to separate the implementation of the individual reparations from the collective reparations, the Chamber approved the implementation of the individual reparations and ordered the Trust Fund to pay the sum of USD 250 by 1 December 2017.¹ The Chamber also directed the Trust Fund to provide an update on the implementation status of the individual reparations by 15 December 2017.² Furthermore, the Chamber instructed the Trust Fund to submit additional information on the draft implementation plan for the collective reparations ("Collective Reparations Draft Plan") by 15 November 2017.³ Lastly, the Chamber instructed the Trust Fund to send to the Government authorities of the Democratic Republic of the Congo (DRC) a memorandum with detailed and specific requests for the involvement of the DRC Government ("Memorandum") and to provide the Chamber with a copy of the Memorandum by 1 December 2017.⁴

2. On 14 November 2017, the Trust Fund filed a request for an extension to 4 December 2017 of the deadline for the submission of additional information on the Collective Reparations Draft Plan and the deadline for sending the Memorandum to the DRC Government authorities and a copy to the Chamber ("Request").⁵

¹ "Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations", 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG, paras. 15 and 18, p. 24.

² Decision of 12 October 2017, para. 19 and p. 24.

³ Decision of 12 October 2017, pp. 24-25.

⁴ Decision of 12 October 2017, paras. 55-59 and pp. 25.

⁵ "Request for an extension of time", dated 13 November and registered on 14 November 2017, ICC-01/04-01/07-3770-Conf.

3. On the same day, the Office of Public Counsel for Victims ("OPCV")⁶ and the Legal Representative of Victims ("Legal Representative")⁷ responded that they had no objections to the Trust Fund's request for an extension of time.

II. Analysis

4. The Trust Fund submitted that it would be beneficial for the Trust Fund, the Legal Representative and the OPCV to attempt, initially, to agree on satisfactory compromises and changes with regard to the contested aspects of the Collective Reparations Draft Plan, before the Trust Fund informed the Chamber of its final position on the questions that the Chamber had put to it in the Decision of 12 October 2017. However, the Trust Fund informed the Chamber that, in spite of its efforts, owing to unavailability on all sides and to its own obligations stemming from other matters before the Court currently at the implementation of reparations stage, it was unable to hold those detailed consultations before 15 November 2017. It therefore requested an extension of time to 4 December 2017 for submitting the information requested by the Chamber in the light of the results that it might achieve during the consultations to be held from 15 to 17 November 2017.⁸

5. Secondly, the Trust Fund submitted that it would probably be difficult for it to send the Memorandum to the DRC Government authorities by 1 December 2017. Indeed, the members of its team in charge of that task might not have returned from the field mission due to take place from 27 to 30 November 2017,⁹ during which the payment of the individual reparations ordered by the Chamber would be effected. Consequently, the Trust Fund also requested an extension of the deadline to 4 December 2017 for sending the Memorandum to the DRC Government authorities and a copy of it to the Chamber.

⁶ Email sent from OPCV to Chamber on 14 November 2017 at 9.17.

⁷ Email sent from Legal Representative to Chamber on 14 November 2017 at 15.58.

⁸ Request, paras. 16-17 and 20-21.

⁹ Request, paras. 18-19.

6. The Chamber finds that the Trust Fund's proposal to conduct consultations with the Legal Representative and the OPCV is in line with the Chamber's instructions and that it is appropriate to receive information about the Collective Reparations Draft Plan that reflect those consultations. Furthermore, the Chamber notes that the Trust Fund submitted that its implementing capacity was being affected by the significant increase in its workload and by the fact that the various tasks ordered by the Chamber, in its Decision of 12 October 2017, required the participation of many members of its team and were also dependent on the availability of the Legal Representative, the OPCV and their teams.

7. In the light of the above-mentioned circumstances, the Chamber considers that the Trust Fund has shown good cause, justifying an extension of time in accordance with regulation 35(2) of the Regulations of the Court.

FOR THESE REASONS, the Chamber

GRANTS the Request; and

EXTENDS to 4 December 2017 the time limit for filing information about the Collective Reparations Draft Plan and the time limit for sending the Memorandum to the authorities of the DRC and a copy of the Memorandum to the Chamber.

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

[signed]

Judge Marc Perrin de Brichambaut

Presiding Judge

[signed]

Judge Olga Herrera Carbuccion

[signed]

Judge Péter Kovács

Dated this 30 November 2017

At The Hague, Netherlands