

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-01/07

Date: 22 April 2015

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut
Judge Olga Herrera Carbuca
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. GERMAIN KATANGA

Public

**Request by the Board of Directors for extension of time to submit
Observations on Reparations Procedure**

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

Ms Fatou Bensouda
Mr Eric MacDonald

Counsel for the Defence

Mr David Hooper

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Trust Fund for Victims

Mr Pieter de Baan, Executive Director,
Secretariat

1. On 1 May 2015, Trial Chamber II issued an Order, inviting the parties and participants to submit observations on the reparations procedure.¹ Pursuant to Regulation 35 of the Regulations of the Court, the Trust Fund for Victims respectfully requests that the Trial Chamber grant it an extension of time of two weeks until 16.00 on 13 May 2015.
2. The Trust Fund for Victims considers that the issues which Trial Chamber II asks to be addressed in the observations are complex of great importance for reparations in the case against Mr Katanga, but also for the functioning of the Court's reparations regime in general, including the roles of and responsibilities of the Trust Fund for Victims.
3. Given the responsibilities conferred upon it by the States Parties, the Trust Fund's Board of Directors will require adequate time to reflect and agree on the content of the Trust Fund's submission to the Trial Chamber. This process poses an additional burden on the time available to the Trust Fund for preparing the submission. The Trust Fund notes in this context that the five Board members are experts of high standing, representing all geographic regions of the world, who serve on a pro bono basis while having a variety of other commitments and activities. Moreover, the Trust Fund's Board members are not based in The Hague, which imposes another particular burden on the review process.
4. The Trust Fund for Victims is therefore concerned that the timeframe set by the Chamber will not allow for sufficient time for the envisaged and necessary process of reflection, review and approval by the Fund's Board of Directors. The Trust Fund for Victims considers that it will take two weeks' time to allow for the Board to review a draft and for the Secretariat

¹ Ordonnance enjoignant les parties et les participants à déposer des observations pour la procédure en réparation", 1 April 2015, ICC-01/04-01/07-3532.

to incorporate the Board's observations and obtain the Board's final approval of the submission.

5. Accordingly, the Trust Fund for Victims requests the Chamber to find that good cause has been shown in the sense of regulation 35 of the Regulations of the Court for an extension of time-limit of two weeks to submit its observations. This will allow the additional time needed for a thorough review by the pro-bono members of the Board of Directors of the Secretariat's input and for the incorporation of their responses into the final submission.
6. The Trust Fund appreciates that its request, if granted, will affect the period of time available to parties and participants to respond to observations as submitted, as instructed by Trial Chamber II in its Order of April 1, 2015. For reasons of equity and fairness, when considering the Trust Fund's request for an extension, Trial Chamber II may therefore also wish to consider to similarly extending the deadline for the submission of consolidated responses by parties and participants.

FOR THE FOREGOING REASONS, pursuant to regulation 35 of the Regulations of the Court, the Executive Director of the Secretariat of the Trust Fund for Victims, on behalf of the Board of Directors of the Trust Fund for Victims, respectfully requests the Trial Chamber to extend the deadline for submitting observations on the issues related to reparations proceedings until 13 May 2015 at 16.00.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

Pieter W.I. de Baan

Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 22 April 2015

At The Hague, The Netherlands