

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/13**

Date: **21 May 2015**

PRE-TRIAL CHAMBER I

Before: Judge Joyce Alouch, Presiding Judge
Judge Cuno Tarfusser
Judge Péter Kovács

**SITUATION ON REGISTERED VESSELS OF THE UNION OF THE
COMOROS, THE HELLENIC REPUBLIC OF GREECE AND THE KINGDOM
OF CAMBODIA**

Public Document

**Application for an Extension of the Time Limit to file Victim Observations in
accordance with Regulation 35**

Source: Sir Geoffrey Nice QC and Rodney Dixon QC who represent
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, Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of the Applicant

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims
Ms. Paolina Massidda

**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

Other

I. INTRODUCTION

1. The Victims in the present Situation who are represented by Counsel, Sir Geoffrey Nice QC and Rodney Dixon QC, submit this Application in light of the “Decision on the ‘Request for extension of time to submit Victims’ Observations in relation to the article 53 proceedings” of 18 May 2015¹, to request that the Victims represented by Counsel are similarly granted an extension of the time limit to submit their observations to the Pre-Trial Chamber by 22 June 2015.
2. Counsel currently represent 309 Victims out of 418 Victims who are presently entitled to submit observations to the Chamber.²
3. The present Application is made in respect of these 309 Victims pursuant to Regulation 35 of the Regulations of the Court for the reasons set out below, and in order to ensure that the same extension of the time limit until 22 June 2015 is granted to all of the Victims in the present Situation so that all Victims have the same opportunity to submit their observations on the same basis to the Chamber.

II. REQUEST FOR EXTENSION OF TIME LIMIT TO FILE OBSERVATIONS

4. The Chamber originally ruled in its Decision of 24 April 2015³ that all of the Victims should file their observations by 5 June 2015. By its Decision of 18 May 2015 the Chamber granted an extension of this time limit to those Victims presently represented by the Principal Counsel for the OPCV to file their observations by 22 June 2015.⁴ Counsel hereby request that the same extension of the time limit to submit observations is granted to all of the other Victims in

¹ Decision on the ‘Request for extension of time to submit Victims’ Observations in relation to the article 53 proceedings’, ICC-01/13-23, 18 May 2015.

² See, Report of the VPRS, Report on Applications Received from Victims who have Communicated with the Court pursuant to Decision ICC-01/13-18, ICC-01/13-21, 8 May 2015.

³ Decision on the Victims’ Participation, ICC-01/13-18, 24 April 2015, paras. 19, 21(e).

⁴ Decision on the ‘Request for extension of time to submit Victims’ Observations in relation to the article 53 proceedings’, ICC-01/13-23, 18 May 2015, p. 4.

the present Situation who are represented by Counsel. These are the majority of the Victims who are presently permitted to participate in the proceedings.

5. Regulation 35 of the Regulations of the Court provides that:

1. *“Applications to extend or reduce any time limit as prescribed in these Regulations or as ordered by the Chamber shall be made in writing or orally to the Chamber seized of the matter setting out the grounds on which the variation is sought.*
2. *The Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard. After the lapse of a time limit, an extension of time may only be granted if the participant seeking the extension can demonstrate that he or she was unable to file the application within the time limit for reasons outside his or her control.”*

6. As is established in the ICC’s case law, good cause is demonstrated and justifies the granting of a request for an extension to a time limit “if founded upon reasons associated with a person’s capacity to conform to the applicable procedural rule or regulation or the directions of the Court.”⁵

7. Counsel submit that good cause exists to grant an extension to all of the other Victims on the grounds that Counsel only received confirmation from the VPRS of the Victims who are authorised to participate and file observations on 13 May 2015 following the VPRS’s Report of 8 May.⁶ Counsel require the additional time (that has already been granted to the OPCV) to complete all consultations with the 309 Victims and to ensure that all of their views and concerns are properly collected for the submission to the Chamber. It is vital that the full extent to which the personal interests of the Victims are affected by the current

⁵ Prosecutor v. Lubanga, Reasons for the "Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007" issued on 16 February 2007, ICC-01/04-01/06-834, 21 February 2007, para. 7. See also, Prosecutor v. Lubanga, Decision on the application by Counsel for Mr. Thomas Lubanga Dyilo to extend the time limit for the filing of the response to the Prosecutor’s document in support of the appeal, ICC-01/14-01/06-190, 11 July 2006, para. 4; Prosecutor v. Lubanga, Decision on the ‘Prosecutor’s Motion for Extensions of the Time and Page Limits’, ICC-01/04-01/06-177, 3 July 2006, paras. 3-5.

⁶ The VPRS provided the names of the Victims who are authorised to participate in the proceedings to Counsel on 13 May. This followed the VPRS’s Report on Applications Received from Victims who have Communicated with the Court pursuant to Decision ICC-01/13-18, ICC-01/13-21, 8 May 2015.

Review proceedings is represented before the Chamber, and therefore that a reasonable and sufficient period of time is granted to gather the observations of all of the Victims for their submissions to the Chamber.

8. Since the Chamber's Decision of 24 April 2015 and up until the VPRS's notification of 13 May 2015 when Counsel were informed of the names of the Victims who could participate in the proceedings, Counsel were engaged with VPRS in arranging all necessary powers of attorney and submitting supporting documentation for the Victim applications in order that it could be determined which Victims would be authorised to participate and make observations in accordance with the Chamber's Decision of 24 April 2015.⁷
9. Since receiving the VPRS's notification of the Victim's names on 13 May 2015 Counsel have immediately started gathering the views and submissions of those 309 Victims who are presently authorised to make observations. Given the numbers of Victims involved, and that they reside in different countries, this is a time-consuming task. It is also necessary to translate the submissions of most of the Victims. Furthermore, it has only been possible in the time available to arrange a mission to meet many of the Victims in Turkey where they reside or are able to travel to, at the very beginning of June. Thereafter, Counsel will be able to compile all of the submissions of the Victims and to file them by 22 June 2015, when those represented by the OPCV will be filing their submissions.

III. CONCLUSION

10. For these reasons, the Chamber is requested to grant the same extension of time to the 309 Victims to provide their observations so that these can be presented to the Chamber by 22 June 2015.
11. It must be emphasised that the present Article 53 proceedings are of critical importance to the personal interests of the Victims, particularly considering that

⁷ Decision on the Victims' Participation, ICC-01/13-18, 24 April 2015, para. 12. See also, Report on Applications Received from Victims who have Communicated with the Court pursuant to Decision ICC-01/13-18, ICC-01/13-21, 8 May 2015, para. 7.

the outcome of the proceedings will determine whether the crimes committed against them could be investigated and whether they could be able to apply for reparations for the harm they have suffered. It is thus imperative that sufficient time is provided for the Victims to be contacted and to be able meaningfully to provide all relevant observations to the Chamber.



Sir Geoffrey Nice QC

Rodney Dixon QC

Counsel on behalf of Victims

Dated 21 May 2015
London,
United Kingdom