

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 March 2016

TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovács

SITUATION

IN THE CASE OF

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public

**Request for extension of time to submit
the first transmission of potential victim dossiers.**

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

Ms Catherine Mabilie
Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley
Mr Frank Mulenda

Legal Representatives of Victims V02

Ms Carine Bapita Buyanandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

The Office of Public Counsel for Victims

Ms Paolina Massidda
Ms Sarah Pellet

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 Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan, Executive Director,
Secretariat

I. Introduction

1. The Trial Chamber, in the “Ordonnance enjoignant au Fonds au profit des victimes de compléter le projet de plan de mise en oeuvre”¹ (hereinafter “Trial Chamber order”) of 9 February 2016, ICC-01/04-01/06-3198, instructed the Trust Fund for Victims (hereinafter “Trust Fund”) *inter alia* to submit in seven weeks’ time (51 days) a first transmission of dossiers on victims potentially eligible for collective reparation awards by 31 March 2016, to the Trial Chamber. The Trial Chamber further instructed the Trust Fund to make subsequent submissions of similar victim dossiers on 15 July 2016 and 31 December 2016.
2. The Trust Fund on 15 February 2016 requested leave to appeal against the Order because it was concerned that the Trial Chamber’s approach as reflected in the order did not sufficiently consider the collective nature of reparations ordered in the present proceedings.
3. On 4 March 2016, the Trial Chamber rejected the request for leave to appeal *in limine*. The Trust Fund respectfully notes that the substantive issues raised in its request have been left unresolved and that it remains concerned, *inter alia*, that the Trial Chamber’s approach to evaluate the merits of individual requests for reparations within a collective reparations process. Nonetheless, the Trust Fund is seeking to comply with the Order of the Chamber in coordination with all relevant stakeholders.

¹ Ordonnance enjoignant au Fonds au profit des victimes de compléter le projet de plan de mise en oeuvre, of 9 February 2016, ICC-01/04-01/06-3198

II. Request for time extension

4. Pursuant to Regulation 35 of the Regulations of the Court, the Trust Fund respectfully requests that the Trial Chamber grant an extension of this first deadline for the submission of potential victim dossiers, allowing for a submission by 31 May 2016 of the first transmission of potential victim dossiers.
5. The Trust Fund would like to reiterate that it fully shares the Trial Chamber's concerns about the significant amount of time that has already elapsed since the crimes were committed that give rise to these reparation proceedings. The Trust Fund considers that given this delay there is an urgent need to provide redress to victims as soon as possible.
6. The tasks that have been set by the Trial Chamber in its order of 9 February 2016 are highly complex and the envisaged timeframe for the first transmission of potential victim dossiers requesting reparations in the present case is ambitious.
7. Since issuance of the order, the Trust Fund has undertaken important steps towards complying with the Trial Chamber's various requests. However, it has encountered a number of administrative challenges, related *inter alia* to the availability and mission planning of the Legal Representatives for Victims to the region, and the development of the a dossier and consent format that is compatible with the Victim Participation and Reparation Section (hereinafter "VPRS") database, in its VAMS (Victims Application Management System).

8. The Trust Fund has liaised with relevant stakeholders within the Court, including *inter alia* the Office of the Registrar, the VPRS, and fosters an on-going dialogue with the Legal Representatives in this case and the Office of Public Counsel for Victims (hereinafter “OPCV”).
9. Further, to comply with the Order, the Trust Fund is near finalisation of contracting the technical services through a fast-track procurement procedure to avail itself of the qualified expertise required to perform the physical, psychological, and material harm assessments of potentially eligible victims.
10. The Trust Fund notes the considerable administrative time required, up to 30 days, to accomplish the travel arrangements of the Legal Representatives to the region. Accordingly, the first joint mission of the Trust Fund and the Legal Representatives could only be scheduled for 4 to 15 April 2016. This mission is meant to facilitate a first evaluation of potentially eligible victim participant clients of the Legal Representatives. Subsequent joint missions between the Legal Representatives and the Trust Fund are being planned for May and June of 2016.
11. In addition, the Trust Fund would like to inform the Trial Chamber that the newly elected Trust Fund Board of Directors shall be holding its first annual meeting in The Hague in its present composition, from 18 - 21 April 2016. Among the topics to be considered at the meeting will be the Lubanga reparation process. The meeting will also discuss and examine the outcomes from this first group of potential victim evaluations.

12. Under dedicated efforts by all relevant stakeholders, including the VPRS, the Legal Representatives, the OPCV, and the Trust Fund, the dossier format and a standardized victim consent form continues to be under construction. The constraints of formulating a dossier format and an informed consent form that are at the same time responsive to the criteria articulated by the Trial Chamber and yet compatible with the VPRS database (VAMS) which has its own technical requirements related to the format of the database, has proven to be an intricate and time consuming process.
13. The Trust Fund respectfully would like to submit that because of the various challenges mentioned above it is unlikely that by 31 March 2016, the Trust Fund will be in a position to submit relevant information.
14. The Trust Fund suggests to first finalise the dossier format and the consent forms, to then conduct the first mission of evaluating potential victims from 4-15 April 2016, assemble the required information, evaluate the extent of potential victim injuries, obtain their informed consent, evaluate and synthesize all of the relevant information, and finally incorporate that material into a comprehensive submission in response to the Trial Chamber's Order.
15. The Trust Fund submits that it is important to allow ample time for the Board of Directors to review and consider the findings of the first evaluation mission and for the Secretariat to incorporate the Board's considered insights and pronouncements into a final version for submission to the Chamber.

16. The Trust Fund estimates that to carry out all these steps that will enable it to make a comprehensive first transmission of potential victim dossiers to the Trial Chamber will require additional time, until 31 May 2016.

17. Accordingly, the Trust Fund 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 months, until 31 May 2016.

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, respectfully requests the Trial Chamber to extend the deadline for submitting the dossiers of potential victims as instructed by the Trial Chamber in its order by two months to 31 May 2016.



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 23 March 2016

At The Hague, The Netherlands