

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 May 2016

TRIAL CHAMBER II

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

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

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public

**Request for extension of time to submit
additional reparation programme information.**

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 propose “by 7 May 2016, a set of collective reparation programmes” to the Trial Chamber.
2. The Trust Fund on 23 March 2016 requested an extension until 31 May 2016 to submit the first transmission of potential victim dossiers to the Trial Chamber.
3. On 29 March 2016, the Trial Chamber granted the extension request to submit the first transmission of potential victim dossiers until 31 May 2016.

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 the 7 May 2016 deadline for the submission of additional collective reparation programme information, allowing for the submission by 7 June 2016 of the additional collective reparations programme information.
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 collective reparation proceedings. The Trust Fund considers that given this delay there is an urgent

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

need to provide redress to victims as soon as possible.

6. In paragraph 23 of the 9 February 2016 Order, the Court indicated that it would examine the additional collective reparation programming information after first reviewing and considering the transmission of potential victim dossiers. Following the extension to 31 May 2016 to submit the first transmission of potential victim dossiers the court proscribed sequence has been disrupted.
7. In order to rectify the sequencing of submissions as instructed by the Court's Order and to afford the Chamber an adequate opportunity to review submissions the Trust Fund requests a one month extension to submit the additional programme information. The Trust Fund would submit the additional collective reparation programme information after submission of the first transmission of the potential victim dossiers.
8. The tasks that have been established by the Trial Chamber in its order of 9 February 2016 are highly complex and the envisaged timeframe for development and submission of additional collective reparation programme information in the present instance is very ambitious.
9. 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 development of the potential victim dossiers and conducting field missions within Ituri Province that will inform the development and design of

collective reparation initiatives.

10. The Trust Fund has liaised with relevant stakeholders within the Court, including *inter alia* the Office of the Registrar, the VPRS, and the Legal Representatives in this case and the Office of Public Counsel for Victims (hereinafter “OPCV”).
11. The newly elected Trust Fund Board of Directors recently held their first annual meeting in The Hague in its present composition, from 18 - 21 April 2016. Among the topics considered by the Board at the meeting were the relevance of particular reparation initiatives and the process by which they should be implemented.
12. The Trust Fund Board discussed and examined the outcomes from the field missions to Bunia, DRC that interviewed potential victims. The potential victim interviews illustrated the challenge of enabling as many victims as possible to benefit from collective reparations within the context proscribed by the Chambers.
13. Under dedicated efforts by all relevant stakeholders, including the VPRS, the Legal Representatives, the OPCV, and the Trust Fund we continue to examine the appropriate mix of collective reparation initiatives.
14. The Trust Fund respectfully would like to submit that because of the various challenges mentioned above it is unlikely that by 7 May 2016, the Trust Fund will be in a position to submit relevant information.
15. The Trust Fund suggests to first finalising the review and analysis of the

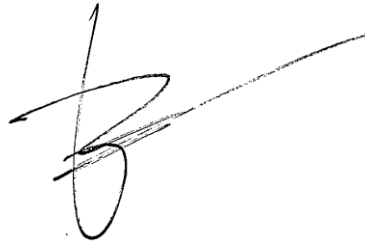
potential victim dossiers comprised of participants from the two different teams of Legal Representatives and from the first field missions in Bunia, 4-15 April 2016. Assemble the required information, evaluate the extent of potential victim injuries, assess their informed consent status, evaluate and synthesize all of the relevant victim information, and incorporate programmatic information into a responsive submission to the Trial Chamber's Order.

16. 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.
17. 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 7 June 2016.
18. 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 one month, until 7 June 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

additional collective reparation programme information as instructed by the Trial Chamber in its order by one month to 7 June 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 3 May 2016

At The Hague, The Netherlands