



Original: **French**

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

Date: **14 June 2016**

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. THOMAS LUBANGA DYILO***

Public

**Order setting the time limit for observations on the latest documents filed by the
Trust Fund for Victims**

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

Office of the Prosecutor

Counsel for Thomas Lubanga Dyilo

Ms Catherine Mabilie

Mr Jean-Marie Biju-Duval

Legal Representatives of Victims V01

Mr Luc Walley

Mr Franck Mulenda

Legal Representatives of Victims V02

Ms Carine Bapita Buyangandu

Mr Paul Kabongo Tshibangu

Mr Joseph Keta Orwinyo

Office of Public Counsel for Victims

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Ms Isabelle Guibal

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II (“the Chamber”) of the International Criminal Court, acting pursuant to article 75 of the Rome Statute, issues the following order:

I. Procedural history

1. On 9 February 2016, the Chamber instructed the Trust Fund for Victims (“the TFV”) to supplement the draft implementation plan submitted on 3 November 2015¹ (“the Order of 9 February 2016”). In this regard, the Chamber instructed the TFV to prepare a file for each potential victim and to transmit a first batch of files to the Chamber by 31 March 2016, a second batch by 15 July and a third batch by 31 December 2016² (“the first aspect of the Order of 9 February 2016”). The Chamber also instructed the TFV to continue to develop the programmes proposed and to submit to the Chamber the complete details of the initial group of reparation programmes on 7 May 2016³ (“the second aspect of the Order of 9 February 2016”).

2. On 31 May 2016, after being granted an extension of the time limit regarding the first aspect of the Order of 9 February 2016,⁴ the TFV transmitted to the Chamber 12 files of victims who were potentially eligible to benefit from reparations, as well as its observations on these files⁵ (“the Document concerning the first submission of files”). In the same document the TFV also requested that the approach set out in the Order of 9 February 2016⁶ be reconsidered.

3. On 7 June 2016, after being granted a further extension of the time limit regarding the second aspect of the Order of 9 February 2016,⁷ the TFV submitted

¹ “Order instructing the Trust Fund for Victims to supplement the draft implementation plan”, 9 February 2016, ICC-01/04-01/06-3198-tENG.

² Order of 9 February 2016, paras. 17-18 and p. 12.

³ Order of 9 February 2016, paras. 21-22 and p. 12.

⁴ “Decision on the request of the Trust Fund for Victims for an extension of the time limit for the submission of the first batch of files of potential victims”, 29 March 2016, ICC-01/04-01/06-3205-tENG.

⁵ “First submission of victim dossiers With Twelve confidential, *ex parte* annexes, available to the Registrar, and Legal Representatives of Victims V01 only”, 31 May 2016, ICC-01/04-01/06-3208, as well as 12 confidential, *ex parte* annexes.

⁶ “Document concerning the first submission of files”, paras. 85-192, 199 and p. 68.

⁷ “*Décision prorogeant le délai pour le dépôt de l’information additionnelle relative aux programmes de réparation*”, 4 May 2016, ICC-01/04-01/06-3207.

to the Chamber information concerning the procedural and operational implications of the development and implementation of the reparation projects⁸ (“the Document regarding the reparations projects”).

4. On 10 June 2016, the Office of Public Counsel for Victims (“the OPCV”) requested authorisation from the Chamber to file consolidated observations on the Document concerning the first submission of files and the Document regarding the reparations projects⁹ (“the Request”).

II. Analysis

5. Given that the Document concerning the first submission of files and the Document regarding the reparations projects deal with issues that are closely linked, the Chamber considers it appropriate to instruct the Legal Representatives of the victims, the OPCV and the Defence team for Thomas Lubanga Dyilo (“the Defence”) to file consolidated observations on these two documents.

⁸ “Additional Programme Information Filing”, 7 June 2016, ICC-01/04-01/06-3209.

⁹ E-mail sent to the Chamber on 10 June 2016, at 12.42.

FOR THESE REASONS, the Chamber

GRANTS the Request; and

INSTRUCTS the Legal Representatives of the victims, the OPCV and the Defence to submit consolidated observations, limited to 30 pages, on the Document concerning the first submission of files and the Document regarding the reparations projects, by 4 p.m. on 1 July 2016.

Done in 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 14 June 2016

At The Hague, the Netherlands