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

Date: **21 March 2017**

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

Public

**Request for an Extension of Time Pursuant to Regulation 35 of the Regulations of
the Court to Transmit Victims' Dossiers and Registry's Legal Assessment Report
Thereon**

Source: Registry

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

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Legal Representatives of V01 Victims

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Counsel Support Section

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

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I. Introduction

1. The Registry hereby respectfully requests Trial Chamber II (“Chamber”) to grant the Registry an extension of 60 days to transmit to the Chamber all applications for reparations (“Applications”) in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (“Lubanga Case”) that the Registry will receive from the Office of the Public Counsel for Victims (“OPCV”) and the Trust Fund for Victims (“TFV”) between 21 and 31 March 2017, together with the Registry’s legal assessment report on the Applications against the requirements of rule 85 of the Rules of Procedure and Evidence (“Rules”).

II. Procedural history

2. On 21 October 2016, the Chamber authorized the OPCV to continue the process of identifying victims potentially eligible to benefit from reparations that had been initiated by the TFV, and to identify and transmit all Applications thus collected by 31 December 2016.¹ The Chamber further ordered to receive these files through the Victims Participation and Reparations Section (“VPRS”) of the Court.²
3. On 21 December 2016, following requests from the Legal Representatives of V02 Victims³ and the OPCV,⁴ the Chamber granted an extension of time until

¹ Trial Chamber II, “Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016”, 21 October 2016, ICC-01/04-01/06-3252-tENG, para. 18.

² *Id.*, para. 21.

³ Legal Representatives of V02 Victims, “Demande de prorogation du délai initialement fixé au 31 décembre 2016 pour la transmission à la Chambre des dossiers des victimes”, 16 December 2016, ICC-01/04-01/06-3265.

⁴ OPCV, “Demande de prorogation du délai aux fins de dépôt des demandes en réparation supplémentaires de bénéficiaires potentiels”, 20 December 2016, ICC-01/04-01/06-3266-Red.

31 March 2017 for the identification process to be completed and all collected Applications to be transmitted to the Chamber through the VPRS.⁵

4. On 22 December 2016 and 20 January 2017 the Registry transmitted to the Chamber two batches of Applications together with the Registry's legal assessment reports on these applications against the requirements of rule 85 of the Rules.⁶
5. On 27 January 2017, the OPCV informed the VPRS that two missions aimed at collecting new Applications would be undertaken, a first mission from beginning until mid-February ("First Mission") and a second one from 24 February until mid-March.⁷ The OPCV noted that it was unable, at the respective point in time, to indicate how many applications would be collected, but it estimated that around 300 new individuals would be met in the course of the two missions.⁸
6. On 3 March 2017, the OPCV transmitted to the VPRS the originals of 87 Applications collected in the course of their First Mission.⁹
7. On 10 March 2017, the OPCV informed the VPRS that the Office's on-going mission will conclude on 17 March 2017 and Applications thus collected "could be transmitted to the VPRS by 28 March 2017".¹⁰
8. On 6 March 2017, the TFV informed the VPRS that it planned to submit two batches of approximately 20 Applications each to the VPRS, the first batch on 22 or 23 March 2017 and the second batch by 28 March 2017.¹¹ On 14 March 2017 the TFV provided a first update to the VPRS indicating that the number

⁵ Trial Chamber II, "Order to complete the process of identifying victims potentially eligible to benefit from reparations", dated 21 December 2016 and notified on 22 December 2016, ICC-01/04-01/06-3267-tENG.

⁶ Registry, "First Transmission and Report on Applications for Reparations", 22 December 2016, ICC-01/04-01/06-3269 and "Second Transmission and Report on Applications for Reparations", 20 January 2017, ICC-01/04-01/06-3270.

⁷ Email from OPCV to VPRS on 27 January 2017 at 09:05.

⁸ *Id.*

⁹ Internal memorandum from OPCV to VPRS on 3 March 2017.

¹⁰ Email from OPCV to VPRS on 10 March 2017 at 11:06.

¹¹ Email from TFV to VPRS on 6 March 2017 at 9:14.

of dossiers to be collected by the TFV may be higher than expected.¹² On 16 March 2017, the TFV provided a second update to the VPRS explaining that: (i) during the missions conducted or to be conducted together with the Legal Representatives of V02 Victims from 14 to 19 March and from 20 to 24 March 2017, approximately 40 to 45 Applications were expected to be collected; and (ii) during the mission with the Legal Representatives of V01 Victims, to be conducted from 25 to 28 March 2017, between 4 and 12 Applications were expected to be collected.¹³

III. Applicable Law

9. The Registry submits the present request for extension of time pursuant to regulation 35 of the Regulations of the Court.

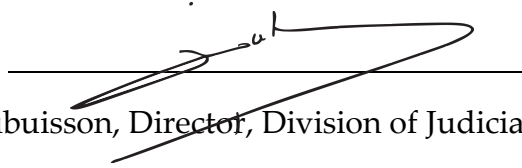
IV. Submissions

10. The VPRS is currently assessing the 87 Applications received from the OPCV on 3 March 2017 against the requirements of rule 85 of the Rules and it will transmit them together with the Registry legal assessment report to the Chamber on 31 March 2017. Five more applications collected by the OPCV and for which supplementary information was received by the VPRS will also be transmitted to the Chamber by that date.
11. In light of the information received from the TFV and the OPCV regarding the receipt by the VPRS of additional Applications towards the end of March 2017, and taking into consideration available resources and the time needed

¹² Email from TFV to VPRS on 14 March 2017 at 8:13.

¹³ Email from TFV to VPRS on 16 March 2017 at 15:17.

for the Registry to process those Applications (registration, data entry, check for duplicates and legal analysis) as well as the fact that the month of April will be shortened by three work days, the Registry respectfully requests the Chamber to grant a 60 days extension of time for the transmission of all the Applications to be received by the VPRS from the OPCV and the TFV between 21 and 31 March 2017.

A handwritten signature in dark ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Services

per delegation of Herman von Hebel, Registrar

Dated this 21 March 2017

At The Hague, The Netherlands