



Original: **French**

No.: ICC-01/04-01/06
Date: **6 September 2017**

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

URGENT

Public Document

**Decision Granting the Request of the Office of Public Counsel for Victims for
Extension of Page Limit**

Decision 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 Mabilile

Mr Jean-Marie Biju-Duval

Legal Representatives of V01 Victims

Mr Luc Walleyen

Mr Franck Mulenda

Legal Representatives of V02 Victims

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**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

TRIAL CHAMBER II (“Chamber”) of the International Criminal Court (“Court”), acting pursuant to regulation 37(2) of the Regulations of the Court (“Regulations”), issues the following decision.

1. On 13 July 2017, the Chamber instructed the Legal Representatives of V01 Victims and the Legal Representatives of V02 Victims (“Legal Representatives V01 and V02”), the Office of Public Counsel for Victims (“OPCV”), and the Defence team for Thomas Lubanga Dyilo (“Defence” and “Mr Lubanga” respectively) to file submissions on the evidence admitted in the instant case, with a view to making a determination on the share of reparations to be paid by Mr Lubanga¹ (“Order of 13 July 2017”).
2. On 21 July 2017, the Chamber extended the time limit to 8 September 2017 for the OPCV and Legal Representatives V01 and V02 to file submissions in conformity with the Order of 13 July 2017, and until 29 September 2017 for the Defence to file its response to the submissions of the OPCV and Legal Representatives V01 and V02.²
3. On 5 September 2017, with a view to filing its submissions, the OPCV moved the Chamber to extend to 30 the page limit set out under regulation 37(1) of the Regulations³ (“Request”).
4. In support of its Request, the OPCV pointed out the complexity of the task assigned by the Chamber and the importance of the issue to the victims.⁴ It also submitted that, in *The Prosecutor v. Germain Katanga*, the Chamber had already acknowledged the difficulty of such a task by granting a limit of 35 pages for the response to similar submissions.⁵ The OPCV submitted that such reasoning had to apply *mutatis mutandis* to the instant case.⁶

¹ “Order Instructing the Parties to File Submissions on the Evidence Admitted for the Determination of Thomas Lubanga Dyilo’s Liability for Reparations”, 13 July 2017, ICC-01/04-01/06-3339-tENG.

² “Decision on the Application of the Office of Public Counsel for Victims for an extension of the time limit set by the Order of 13 July 2017”, 21 July 2017, ICC-01/04-01/06-3345-tENG..

³ “*Demande aux fins d’augmentation du nombre de pages autorisées*”, 5 September 2017, ICC-01/04-01/06-3354.

⁴ Request, paras. 5-9.

⁵ *Ibid.*, para. 9.

⁶ *Idem.*

5. The Chamber recalls that, under regulation 37(2) of the Regulations, it may extend the page limit “in exceptional circumstances”. In the instant case, it considers that the reasons advanced by the OPCV do not in themselves constitute exceptional circumstances within the meaning of regulation 37(2) of the Regulations. However, the Chamber is mindful of the complexity and novelty of the matters the parties have to address, and considers that it serves the interests of these proceedings to obtain sufficiently detailed submissions. Consequently, the Chamber authorizes the OPCV to present its submissions in a document not exceeding 30 pages.

6. Further, the Chamber considers that both Legal Representatives V01 and V02 should also be authorized to file their submissions in a document not exceeding 30 pages.

7. Lastly, the Chamber considers that the Defence should be authorized to file its response to the respective submissions of the OPCV and Legal Representatives V01 and V02 in a document not exceeding 45 pages.

FOR THESE REASONS, the Chamber

GRANTS the Request;

AUTHORIZES the OPCV and Legal Representatives V01 and V02 respectively to file a document of 30 pages; and

AUTHORIZES the Defence to file a document of 45 pages in response to the respective observations of the OPCV and Legal Representatives V01 and V02.

Done in both English and French, the French version being authoritative.

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccia

[signed]

Judge Péter Kovács

Dated this 6 September 2017

At The Hague, Netherlands