

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: ICC-01/04-01/07

Date: **24 August 2020**

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. GERMAIN KATANGA***

Confidential

**Order Concerning the Legal Representative's Request of 17 July 2020 and the
Modalities of Collective Reparations Remaining in the Case**

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

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Counsel for the Defence of Germain

Katanga

Mr David Hooper

Ms Caroline Buisman

Office of Public Counsel for Victims

Ms Paolina Massidda

Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

TRIAL CHAMBER II ("Chamber") of the International Criminal Court, in the case of *The Prosecutor v. Germain Katanga*, orders the following.

I. Procedural history

1. On 24 March 2017, the Chamber handed down its "Order for Reparations pursuant to Article 75 of the Statute" ("Order for Reparations"),¹ in which it analysed 341 applications for reparations.² The Chamber found that 297 of the 341 applicants had shown on a balance of probabilities that they had suffered harm as a consequence of the crimes of which Germain Katanga ("Mr Katanga") was convicted.³ The Chamber determined that those persons were to be awarded the individual and collective reparations ordered by it in the case.⁴

2. On 25 July 2017, having been granted two extensions of time,⁵ the Trust Fund for Victims ("Trust Fund") filed, on the basis of the Order for Reparations, a draft plan for the implementation of the reparations ("Draft Implementation Plan of 25 July 2017").⁶

¹ "Order for Reparations pursuant to Article 75 of the Statute", 24 March 2017, ICC-01/04-01/07-3728-tENG, with one public annex (Annex I) and one confidential annex *ex parte* Common Legal Representative of Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II).

² Order for Reparations, paras. 64-180.

³ Order for Reparations, para. 168.

⁴ Order for Reparations, paras. 281-295.

⁵ "Decision granting the Trust Fund for Victims an extension of time for submission of the Draft Implementation Plan", 22 June 2017, ICC-01/04-01/07-3744-tENG and "Decision Granting the Trust Fund for Victims Access to Document ICC-01/04-01/07-3728-Conf-Exp-AnxII and an Extension of the Time Limit to Submit the Draft Implementation Plan for Reparations", 11 July 2017, ICC-01/04-01/07-3749-tENG.

⁶ "Draft implementation plan relevant to Trial Chamber II's order for reparations of 24 March 2017 (ICC-01/04-01/07-3728)", dated 25 July 2017, translation registered on 21 August 2017, ICC-01/04-01/07-3751-Conf, with one confidential annex, one public annex, one confidential annex *ex parte* Registry, one confidential annex *ex parte* Principal Counsel of the Office of Public Counsel for Victims and one confidential annex *ex parte* Legal Representative of Victims. A redacted version was filed on 25 July 2017 and the redacted French version was filed on 21 August 2017.

3. On 12 October 2017, having carefully studied the Draft Implementation Plan of 25 July 2017 and the observations of the Office of Public Counsel for Victims ("OPCV"),⁷ the Legal Representative of Victims ("Legal Representative"),⁸ the Defence team for Mr Katanga⁹ and the Trust Fund,¹⁰ the Chamber issued the "Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations".¹¹

4. On 20 September 2018, the Chamber again directed the Trust Fund to file information on the modalities of the collective reparations.¹² On that occasion the Chamber advised that it was prepared to approve the implementation of each modality of collective reparations separately so as not to delay the start of implementation further.¹³

5. On 5 August 2019, the Chamber granted the Trust Fund's request of 26 July 2019¹⁴ by approving the implementation of the collective reparations concerning

⁷ "Observations on the Trust Fund for Victims' Draft Implementation Plan Relevant to the Order for Reparations", 11 September 2017, ICC-01/04-01/07-3762-tENG.

⁸ "Observations relatives au projet de plan de mise en œuvre déposé par le Fonds au profit des victimes en exécution de l'Ordonnance de réparation en vertu de l'article 75 du Statut (ICC-01/04-01/07-3751-Red)", 11 September 2017, ICC-01/04-01/07-3763-Conf. A public redacted version was filed on 13 September 2017 (ICC-01/04-01/07-3763-Red). See also footnote 10.

⁹ "Defence Observations on the TFV's Draft implementation plan", 11 September 2017, ICC-01/04-01/07-3764 ("Defence Observations").

¹⁰ "Joint Submission Concerning the Draft Implementation Plan Filed by the Trust Fund for Victims in Conformity with the Order for Reparations Pursuant to Article 75 of the Statute (ICC-01/04-01/07-3751-Red)", dated 9 October 2017 and registered on 10 October 2017, ICC-01/04-01/07-3767-Conf-tENG.

¹¹ "Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations", 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG.

¹² "Order Directing the Trust Fund for Victims to File Information on the Modalities of Collective Reparations", 20 September 2018, ICC-01/04-01/07-3809-Conf-tENG, para. 15.

¹³ Order of 20 September 2018, para. 16.

¹⁴ "Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims", 26 July 2019, ICC-01/04-01/07-3836-Conf, paras. 45-46.

the purchase of livestock, income-generating activities costing less than 10,000 euros and the payment of education costs for the first term of the 2019-2020 school year.¹⁵

6. On 12 December 2019, the Chamber issued a decision in which it set out its reasons for having approved the implementation concerning the purchase of livestock, income-generating activities costing less than 10,000 euros and the payment of education costs for the first term of the 2019-2020 school year.¹⁶

7. On 6 March 2020, the Legal Representative filed written submissions on the delivery of the collective reparations ("Submissions of 6 March 2020").¹⁷

8. On 13 March 2020, the Legal Representative filed further written submissions on the implementation of the psychological support modality of collective reparations ("Submissions of 13 March 2020").¹⁸

9. On 3 July 2020, the Chamber issued an order directing the Trust Fund to file quarterly reports on the delivery of the collective reparations, with the first report due on 17 July 2020, and directing the OPCV and the Legal Representative to file observations in response to the Trust Fund's first report by 14 August 2020 ("Order of 3 July 2020").¹⁹

10. On 17 July 2020, the Legal Representative filed an application requesting the Chamber to direct from the Trust Fund and the relevant services of the Registry a

¹⁵ Email from the Chamber on 5 August 2019 at 10.32.

¹⁶ "Decision on the Requests of the Trust Fund for Victims of 26 July and 18 November 2019 and on the Requests of the OPCV of 2 August 2019", 12 December 2019, ICC-01/04-01/07-3846-Conf-tENG.

¹⁷ "*Rapport du Représentant légal relatif à l'exécution des réparations collectives*", 6 March 2020, ICC-01/04-01/07-3851-Conf.

¹⁸ "*Observations du Représentant légal relatives à la mise en œuvre du soutien psychologique au titre de modalité de réparation collective*", dated 12 March 2020 and registered on 13 March 2020, ICC-01/04-01/07-3853-Conf.

¹⁹ "Order Instructing the Trust Fund for Victims to File Quarterly Reports on the Delivery of Reparations and Instructing the Legal Representative of Victims to File Observations to Clarify his Submissions of 6 and 13 March 2020", 3 July 2020, ICC-01/04-01/07-3855-Conf-tENG, paras. 26-30 and page 11.

schedule for the various phases of the process of delivering the housing assistance modality of reparations ("Legal Representative's Request of 17 July 2020").²⁰

11. On the same day, the Trust Fund filed a report giving an update on developments in the implementation of the collective reparations since 18 November 2019 ("Trust Fund Report of 17 July 2020").²¹ In its report, the Trust Fund also requested that the Chamber approve the modes of implementation of collective reparations concerning the purchase of motorcycles, fuel and miscellaneous items ("Trust Fund's Request of 17 July 2020").²²

12. On 21 July 2020, the OPCV advised that it did not wish to file a response to the Trust Fund Reports of 17 July 2020.²³

13. On 3 August 2020, the Legal Representative filed observations on the Trust Fund Report of 17 July 2020.²⁴

14. On that day, the Chamber granted the Trust Fund's Request of 17 July 2020 by approving the Trust Fund's proposals relating to the purchase of motorcycles, fuel and miscellaneous items for the income-generating activities modality of collective reparations.²⁵

²⁰ "Observations du Représentant légal en application de l'Ordonnance ICC-01/04-01/07-3855-Conf", 17 July 2020.

²¹ "Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposals related to the income-generating activities modality", 17 July 2020, ICC-01/04-01/07-3857-Conf.

²² Trust Fund Report of 17 July 2020, paras. 59, 67 and 76, and p. 19.

²³ Email from the OPCV to the Chamber on 21 June 2020 at 09.46.

²⁴ "Observations du Représentant légal sur le rapport du Fonds au profit des victimes ICC-01/04-01/07-3857-Conf", 3 August 2020, ICC-01/04-01/07-3858-Conf. On 23 July 2020, the Legal Representative advised that it had no objections or remarks to make regarding the Trust Fund's requests to the Chamber to approve the modes of implementation concerning the purchase of motorcycles, fuel and miscellaneous items (email from the Legal Representative to the Chamber on 21 July 2020 at 14.53).

²⁵ "Decision on the Request of the Trust Fund for Victims of 17 July 2020 seeking the Chamber's Approval of the Modes of Implementation Concerning Purchases of Motorcycles, Fuel and Miscellaneous Items", 3 August 2020, ICC-01/04-01/07-3859-Conf-tENG ("Decision of 3 August 2020").

II. Analysis

15. The Chamber makes this order, concerning the housing assistance modality of collective reparations, upon consideration of the Legal Representative's Request of 17 July 2020, and concerning the modalities of collective reparations remaining in the case, upon review of the observations filed by the Legal Representative and the Trust Fund, with a view to furthering and, as soon as possible, completing the implementation of the collective reparations.

A. Preliminary matter

16. It is recalled that the Trust Fund sought a prompt response from the Chamber regarding the purchase of motorcycles for an income-generating activity,²⁶ whereupon the Chamber approved the implementation of that modality of collective reparations on 3 August 2020.²⁷ The Chamber is of the view that care must be taken to ensure that the victims are kept closely informed, via their legal representatives and the Chamber, of progress made in that respect, and to ensure that this modality of collective reparations is delivered promptly. The same applies to the purchase of fuel and miscellaneous items. Accordingly, the Trust Fund is directed to file by 18 September 2020 a brief report – separate from the quarterly report²⁸ – on the status of implementation of the income-generating activity modalities of collective reparations, specifically the purchase of motorcycles, fuel and miscellaneous items.

B. Legal Representative's Request of 17 July 2020

17. Before ruling on the Legal Representative's Request of 17 July 2020, the Chamber considers it appropriate to recapitulate the most recent observations of

²⁶ Trust Fund Report of 17 July 2020, para. 56.

²⁷ Decision of 3 August 2020.

²⁸ The Chamber clarifies that this order does not serve to vary the Order of 3 July 2020, in that the deadline for the filing of the next quarterly report on the delivery of the collective reparations, 19 October 2020, still stands.

the Legal Representative and the Trust Fund regarding the housing assistance modality of collective reparations.

1) Observations of the Legal Representative and the Trust Fund

a. Observations of the Legal Representative

18. In his request of 17 July 2020, the Legal Representative reiterates the observations set out in his Submissions of 6 March 2020²⁹ as to the need to have at least an approximate indication of the time frames for delivery of the various stages contemplated by the Trust Fund for the implementation of the housing assistance, in order to apprise the beneficiaries concerned accordingly.³⁰

19. The Legal Representative also highlights the fact that some matters related to the housing assistance, for instance regarding the land documents whose production the Trust Fund will require in order to build the houses, are in the process of being resolved, and points out that, because land is a highly sensitive issue in the Ituri region, detailed consideration of how to proceed is necessary to avoid disrupting local practices.³¹

20. For the reasons he gives, the Legal Representative moves the Chamber to direct the Trust Fund and other relevant services of the Registry to communicate to the Chamber and the parties a timetable for the various phases of the process of delivering the housing assistance modality of collective reparations.³²

21. In his observations of 3 August 2020, the Legal Representative advises that construction costs have inevitably increased and that, as a result, the budgets allocated for that modality of collective reparations will be insufficient to build the houses to the

²⁹ The Legal Representative had asked the Trust Fund for information on how long it would take to complete the various steps for the selection of the local partner to build the houses under the housing support modality of collective reparations, so as to keep the victims apprised of the wait times. In this connection the Legal Representative reported the recent deaths of three victims who would thus, unfortunately, not have the opportunity to receive the housing support because of the considerable time elapsed (Submissions of 6 March 2020, paras. 56-61).

³⁰ Legal Representative's Request of 17 July 2020, paras. 10-11.

³¹ Legal Representative's Request of 17 July 2020, para. 12.

³² Legal Representative's Request of 17 July 2020, page 7.

plans drawn up by the Bunia architect in 2018.³³ The Legal Representative submits that this problem can be solved in one of two ways: either the victims concerned revise their choices, or the Trust Fund meets the additional costs.³⁴ He therefore emphasizes the pressing need to obtain an updated construction estimate in order to establish time frames, costs and the choices of the victims concerned, so that a series of multiple inappropriate courses of action to implement this modality of collective reparations does not ensue.³⁵

22. Lastly, the Legal Representative reiterates his observations as to the impossibility of contacting the victims concerned to record, again, their choices as to the housing assistance, without having the Trust Fund's contemplated schedule for the implementation of that modality of collective reparations.³⁶

b. Trust Fund Report of 17 July 2020

23. In its report of 17 July 2020, the Trust Fund first recapitulates the various steps that have been taken to implement the housing assistance modality of collective reparations, from the call for expressions of interest issued on 23 May 2019 to the selection of five organizations in late 2019.³⁷

24. The Trust Fund goes on to explain that, during the preparation of the scope of work to be sent to those organizations to guide them in compiling proposals that meet the Chamber's criteria, it realized that the house plans drawn up by the Bunia architect in 2018 did not include technical specifications as to the types and quantities of materials needed to build the houses.³⁸ The Trust Fund reports that it is endeavouring

³³ Legal Representative's Observations of 3 August 2020, para. 11.

³⁴ Legal Representative's Observations of 3 August 2020, para. 11.

³⁵ Legal Representative's Observations of 3 August 2020, para. 11.

³⁶ Legal Representative's Observations of 3 August 2020, para. 12, referring to the Legal Representative's Request of 17 July 2020.

³⁷ Trust Fund Report of 17 July 2020, paras. 30-32. See, also, email from the Trust Fund to the Chamber on 17 December 2019 at 16.57.

³⁸ Trust Fund Report of 17 July 2020, para. 33.

to contact the architect in question so as to engage him to develop the documents needed to start the procurement process, *viz.* the bill of quantities and scope of work.³⁹

25. The Trust Fund also states that, in the interests of efficiency and to ensure the quality of services provided, it began exploring an alternative course which, however, proved unavailing.⁴⁰

26. The Trust Fund further reports that, after consultation with the Registry's Procurement Unit, it contacted the United Nations Office for Project Services in the Democratic Republic of the Congo ("DRC"), which replied that the budgets set for the construction of the houses on the basis of the plans drawn up in 2018 appeared insufficient, but agreed to share with the Trust Fund a list of the names of its construction partners operating in and around Bunia.⁴¹ The Trust Fund reports that it is now awaiting information from the United Nations Office for Project Services in the DRC.⁴²

27. Lastly, the Trust Fund reports that it is working on collecting the necessary information about the documents that the beneficiaries concerned by this modality of collective reparations need to produce in order to show a right to build on a plot of land, and will consult the Legal Representative and the OPCV in that connection.⁴³

2) Determination of the Chamber

28. The Chamber sees from a careful reading of the Trust Fund Report of 17 July 2020 that the Trust Fund's intended plan for implementing the housing assistance modality of collective reparations has suffered several setbacks and that, as a result, there seems to be a long way yet to go before the victims concerned can avail themselves of that modality.

³⁹ Trust Fund Report of 17 July 2020, para. 33.

⁴⁰ Trust Fund Report of 17 July 2020, paras. 34-35.

⁴¹ Trust Fund Report of 17 July 2020, paras. 36-37.

⁴² Trust Fund Report of 17 July 2020, para. 37.

⁴³ Trust Fund Report of 17 July 2020, para. 38.

29. That being the case, the Chamber agrees with the Legal Representative as to the need for the Trust Fund to establish and place before the Legal Representative, the OPCV and the Chamber an *approximate* schedule for delivery of the housing assistance so that the legal representatives can duly inform the beneficiaries concerned.

30. Accordingly, the Chamber directs from the Trust Fund, in the next quarterly report due on 19 October 2020, an *approximate* schedule for delivery of the housing assistance modality of collective reparations.

C. Psychological support modality of collective reparations

31. It is the Chamber's view that the issue of the schedule applies equally to the psychological support. As in the case of the housing assistance modality of collective reparations, the Chamber sees fit first to recapitulate the most recent observations of the Legal Representative and the Trust Fund concerning the delivery of this modality.

1) Observations of the Legal Representative and the Trust Fund

a. Legal Representative's Submissions of 13 March 2020

32. In his submissions of 13 March 2020, which are concerned exclusively with the psychological support, the Legal Representative gives a recapitulation of: the number of victims to whom those reparations apply, and the Chamber's invitation to the Trust Fund to accommodate within its assistance mandate, to the extent possible, the victims of harm which the Chamber was not in a position to entertain in the case;⁴⁴ the budget set by the Trust Fund for the implementation of this modality of collective reparations;⁴⁵ the steps taken thus far in respect of this modality of collective reparations;⁴⁶ and the information collected by the Trust Fund and the Legal

⁴⁴ Legal Representative's Submissions of 13 March 2020, paras. 13-17.

⁴⁵ Legal Representative's Submissions of 13 March 2020, paras. 18-22.

⁴⁶ Legal Representative's Submissions of 13 March 2020, paras. 23-28.

Representative regarding the means available and activities undertaken on the ground.⁴⁷

33. The Legal Representative recalls in particular that the Trust Fund announced in its report of 28 February 2019⁴⁸ its decision to use a call for services to select a consultant and, on 19 March 2019, sent the Legal Representative and the OPCV a proposed call for expressions of interest for the selection of a psychologist.⁴⁹ The Legal Representative explains that, having received clarifications, he does not object to the issuance of the call for expressions of interest proposed by the Trust Fund, which is merely a first stage whereby interested individuals or organizations will be selected to receive, thereafter, a detailed scope of work.⁵⁰

34. The Legal Representative goes on to emphasize that, whereas throughout 2019 he was focused on delivery of the education support and income-generating activities, headway now needs to be made on implementing the psychological support so that it can dovetail with the rest of the support measures, and suggests that it be envisioned as part of a comprehensive psychological, economic and social support approach.⁵¹

35. Accordingly, the Legal Representative proposes that a joint preparatory mission be undertaken with the Trust Fund, in the company of an expert, for the purposes of gathering all the particulars needed to deliver this modality of collective reparations and preparing a scope of work.⁵² The Legal Representative submits in this regard that the expert neuropsychologist previously appointed in the record of the case is the appropriate person to be attached to the joint mission.⁵³

⁴⁷ Legal Representative's Submissions of 13 March 2020, paras. 29-48.

⁴⁸ "Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims", 28 February 2019, ICC-01/04-01/07-3826-Conf ("Trust Fund Report of 28 February 2019").

⁴⁹ Legal Representative's Submissions of 13 March 2020, paras. 23-25, referring to the Trust Fund Report of 28 February 2019, paras. 44-46.

⁵⁰ Legal Representative's Submissions of 13 March 2020, paras. 27-29.

⁵¹ Legal Representative's Submissions of 13 March 2020, paras. 50-68.

⁵² Legal Representative's Submissions of 13 March 2020, paras. 29, 69-72.

⁵³ Legal Representative's Submissions of 13 March 2020, paras. 73-75.

36. The Legal Representative further proposes that, after the joint mission, an action plan and budget based on the information collected be placed promptly before the Chamber.⁵⁴ The Legal Representative suggests in this respect that, since the reparations programme is of limited duration, a plan should be devised to ensure complementarity with the assistance mandate so that the assistance programme takes over when the reparations programme ends.⁵⁵

b. Trust Fund Report of 17 July 2020

37. In its report of 17 July 2020, the Trust Fund begins by recapitulating the various steps that have been taken to implement the psychological support modality of collective reparations.⁵⁶

38. The Trust Fund goes on to state that it takes note of the proposals set out by the Legal Representative in his Submissions of 13 March 2020, agrees with him as to the relevance of the report of the expert neuropsychologist appointed by the Chamber in 2015 and is likewise of the view that the model provided in that report is an excellent basis on which to develop the psychological support scheme.⁵⁷

39. The Trust Fund further reports that, after a meeting with the Legal Representative in July 2020, the expert in question was contacted with a view to engaging her to write the call for expressions of interest and the scope of work.⁵⁸ The Trust Fund advises that the procurement process could be set in train as soon as the necessary documents are finalized, provided that the expert is available.⁵⁹

c. Legal Representative's Observations of 3 August 2020

40. In his observations of 3 August 2020, the Legal Representative welcomes the steps taken by the Trust Fund following the extensive discussions between the parties

⁵⁴ Legal Representative's Submissions of 13 March 2020, paras. 76, 79.

⁵⁵ Legal Representative's Submissions of 13 March 2020, paras. 77-78.

⁵⁶ Trust Fund Report of 17 July 2020, paras. 77-79.

⁵⁷ Trust Fund Report of 17 July 2020, para. 80.

⁵⁸ Trust Fund Report of 17 July 2020, para. 81.

⁵⁹ Trust Fund Report of 17 July 2020, para. 81.

in this regard.⁶⁰ He furthermore suggests that all pre-mission steps should be completed at the earliest opportunity to ensure that the expert and the parties are in a position to travel on site and carry out their work as soon as mission restrictions are lifted.⁶¹

2) Determination of the Chamber

41. The Chamber sees from the Trust Fund Report of 17 July 2020 and the observations of the Legal Representative that giving effect to the psychological support modality of collective reparations poses a major challenge, and that the steps toward delivering it are only in their incipency, notwithstanding the efforts of the Trust Fund and the Legal Representative, which, in response to the needs of the victims, have been focused on the other modalities of collective reparations.

42. The Chamber also sees that giving effect to that modality in the form envisioned by the Trust Fund and the Legal Representative entails several stages which, as with the other modalities of collective reparations, depend on the security and public health situation in the DRC, the capabilities and availability of all parties involved in delivering the modality, and procurement processes before the Registry.

43. That notwithstanding, the Chamber is of the view – for the same reason stated by the Legal Representative in respect of the housing support, *viz.* that the victims need to be duly informed of how long to expect until they can receive psychological support as part of the collective reparations ordered by the Chamber – that the Trust Fund must be directed to establish and place before the Legal Representative, the OPCV and the Chamber an *approximate* schedule for delivery of the psychological support.

44. Accordingly, the Trust Fund is directed to present, in the next quarterly report due on 19 October 2020, an *approximate* schedule for delivery of the psychological support modality of collective reparations.

⁶⁰ Legal Representative's Observations of 3 August 2020, para. 13

⁶¹ Legal Representative's Observations of 3 August 2020, para. 14.

D. The question of converting certain modalities of collective reparations into financial compensation

45. The Chamber welcomes the progress made by the Trust Fund, the Legal Representative, the OPCV and the Registry in the implementation of the reparations in the case. In this regard the Chamber joins the Legal Representative in noting that a considerable number of victims have received some or all of the collective reparations to which they are entitled.⁶² That being said, the Chamber is concerned about security and public health conditions as they stand, which are making the implementation of the collective reparations even more complex and difficult, and notes that prices continue to rise.⁶³

46. Moreover, as highlighted above, implementation of the housing assistance and psychological support in the form envisioned by the Trust Fund and the Legal Representative entails several more stages before those reparations become a reality for the beneficiaries concerned.

47. In this regard the Chamber feels it is appropriate to draw the Trust Fund's attention again to the Legal Representative's proposal to convert some collective reparations into financial compensation⁶⁴ in the interests of efficiency and equal treatment. It is recalled in this connection that some victims received, in 2018, the full individual and collective reparations in monetary form.⁶⁵

⁶² See Legal Representative's Submissions, para. 25.

⁶³ Trust Fund Report of 17 July 2020, paras. 37, 52.

⁶⁴ "*Observations du Représentant légal relatives au rapport du Fonds au profit des victimes du 26 juillet 2019 (ICC-01/04-01/07-3836-Conf)*", 7 August 2019, ICC-01/04-01/07-3839-Conf, para. 22 ("Legal Representative's Observations of 7 August 2019").

⁶⁵ The Chamber found that 297 persons were entitled to reparations (Order for Reparations, para. 168). It is noted that 210 of the beneficiaries represented by the Legal Representative have received collective reparations, and 75 of them have received the individual and collective reparations in full, whereas 42 have yet to receive any collective reparations (see Legal Representative's Submissions, para. 25).

48. In the Chamber's view it is necessary now more than ever to be flexible and creative so as to ensure that the victims receive the full extent of the reparations ordered by the Chamber as soon as possible.

49. With that in mind, the Chamber encourages the Trust Fund to continue its efforts in that respect⁶⁶ and directs it to file, as part of its next quarterly report due on 19 October 2020, observations on the possibility of converting certain modalities of collective reparations into financial compensation, or of considering other modes of delivery to achieve the aims laid down in the Order for Reparations in the most timely manner.

50. The Legal Representative and the OPCV are also directed to submit observations on this question, in response to the Trust Fund's quarterly report of 19 October 2020, within the time specified in the Order of 3 July 2020.

⁶⁶ See Decision of 12 December 2019, para. 49 and Legal Representative's Observations of 26 November 2019, para. 26.

FOR THESE REASONS, the Chamber

GRANTS the Legal Representative's Request of 17 July 2020; and

DIRECTS the Trust Fund to place before the Legal Representative, the OPCV and the Chamber in the next quarterly report, due on 19 October 2020, an *approximate* schedule for delivery of the housing assistance and psychological support modalities of collective reparations;

DIRECTS the Trust Fund to file, by 18 September 2020, a brief report on delivery of the income-generating activity modalities of collective reparations, specifically the purchase of motorcycles, fuel and miscellaneous items;

DIRECTS the Trust Fund to file, as part of its next quarterly report due on 19 October 2020, observations on paragraphs 45-50 of this order; and

DIRECTS the Legal Representative and the OPCV to file, by 2 November, observations on the Trust Fund's quarterly report of 19 October 2020 regarding paragraphs 45-50 of this order.

Done in both 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 24 August 2020

At The Hague, Netherlands