



Original: **English**

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

Date: **29 May 2024**

TRIAL CHAMBER II

Before: Judge María del Socorro Flores Liera, Presiding Judge
Judge Kimberly Prost
Judge Nicolas Guillou

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public

**Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal
Representative of Victims**

Source: 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****Legal Representative of Victims**

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I. PROCEDURAL HISTORY

1. On 7 March 2014, the Trial Chamber ('Chamber'), in a prior composition, issued the Judgment pursuant to article 74 of the Statute.¹
2. On 24 March 2017, the Chamber, in a prior composition, issued the Order for Reparations pursuant to article 75 of the Statute ('Reparations Order').²
3. On 8 March 2018, the Appeals Chamber issued the Judgment on the appeals against the Reparation Order, and confirmed, for the most part, the Reparations Order.³
4. On 19 October 2023, the Trust Fund for Victims ('TFV') reported that the implementation of reparations in the present case concluded on 6 October 2023.⁴
5. On 1 December 2024, the Chamber, in a prior composition, issued a Decision on the Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and on the *Rapport du Représentant légal consécutif à sa dernière mission et sur diverses questions relatives à l'exécution et à la clôture des réparations*, urging the TFV, *inter alia*, regarding the psychological evaluation and the closure ceremony, to ensure that the evaluation is completed before formally concluding the programme.⁵
6. On 19 April 2024, the TFV submitted its Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (the 'Sixteenth report').⁶
7. On 24 April 2024, the TFV held a closing ceremony for the reparations programme in Bunia, the Democratic Republic of the Congo.

¹ Judgment pursuant to article 74 of the Statute, 7 March 2014, [ICC-01/04-01/07-3436-tENG](#).

² Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#).

³ Public redacted judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled "Order for Reparations pursuant to Article 75 of the Statute", 8 March 2018, [ICC-01/04-01/07-3778-Red](#).

⁴ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916-Conf](#), para. 6.

⁵ Decision on the Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and on the *Rapport du Représentant légal consécutif à sa dernière mission et sur diverses questions relatives à l'exécution et à la clôture des réparations*, 01 December 2023, [ICC-01/04/01-07-3918](#).

⁶ Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, [ICC-01/04-01/07-3922](#).

8. On 7 May 2024, the Legal Representative of Victims ('LRV') filed the *Requête du Représentant légal relative à la clôture de l'affaire* ('LRV Request').⁷ The LRV requested that the Chamber issue a decision closing the present case, thereby ending the LRV's mandate.⁸

9. On 23 May 2024, the Trial Chamber delivered an Order on the mandate of the Legal Representative of Victims.⁹ In this Order, the Trial Chamber found that it is premature to close the reparations proceedings in this case as two TFV reports remain outstanding.¹⁰ The Chamber recalled, however, that the judicial stage of the reparations proceeding and the implementation of reparations has concluded and the closing ceremony has been held.¹¹ Finally, the Trial Chamber, *inter alia*, instructed the TFV to advise the Chamber within 5 days of notification of its filing as to the date the TFV will submit its outstanding reports.¹²

10. On 24 May 2024, the LRV submitted an Urgent request for reconsideration of the Order on the mandate of the Legal Representative of Victims.¹³

11. On 27 May 2024, the Trial Chamber sent an email to the LRV with additional clarifications on its Order on the mandate of the Legal Representative of Victims.¹⁴

12. On 28 May 2024, the Office of Public Counsel for Victims submitted Observations on the Urgent request for reconsideration of the Order on the mandate of the Legal Representative of Victims.¹⁵

13. On 29 May 2024, the LRV submitted a Request for authorization to appeal the Order on the mandate of the Legal Representative of Victims.¹⁶

⁷ *Requête du Représentant légal relative à la clôture de l'affaire*, 7 May 2024, [ICC-01/04-01/07-3924](#).

⁸ *Requête du Représentant légal relative à la clôture de l'affaire* ('LRV Request'), 7 May 2024, [ICC-01/04-01/07-3924](#), para. 25.

⁹ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#).

¹⁰ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#), para. 8.

¹¹ *Ibid.*

¹² Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#), disposition.

¹³ *Requête urgente en reconsidération de la décision intitulée « Order on the mandate of the Legal Representative of Victims »* (ICC-01/04-01/07-3925), 24 May 2024, [ICC-01/04-01/07-3925](#).

¹⁴ Email sent on behalf of Trial Chamber II, 27 May 2024, at 10.37 am.

¹⁵ *Observations du BCPV sur la « Requête urgente en reconsidération de la décision 'Order on the mandate of the Legal Representative of Victims (ICC-01/04-01/07-3925)' »* (ICC-01/04-01/07-3926-Conf), 28 May 2024, [ICC-01/04-01/07-3927-Conf](#).

¹⁶ *Requête aux fins d'autorisation de faire appel de l'ordonnance intitulée « Order on the mandate of the Legal Representative of Victims »* (ICC-01/04-01/07-3925), 29 May 2024, [ICC-01/04-01/07-3928-Conf](#).

II. SUBMISSION

14. The TFV hereby submits the present filing pursuant to the Order on the mandate of the Legal Representative of Victims¹⁷ delivered by the Trial Chamber (‘Chamber’) on 23 May 2024, *inter alia* instructing the TFV to advise the Chamber within 5 days of notification of its filing as to the date it anticipates submitting its outstanding reports, given its intention to formally declare the closure of the reparations proceedings in the case of *The Prosecutor v. Germain Katanga*.¹⁸

A. TFV Final Report and Evaluation Report

15. The case of *The Prosecutor v. Germain Katanga* is the first case before the Court in which the implementation of a reparations order concluded. The TFV recalls that Regulation 58 of the Regulations of the Trust Fund for Victims (‘Regulation 58’) provides that “[a]t the end of the implementation period, the Trust Fund shall submit a final narrative and financial report to the relevant Chamber”.

16. The TFV intends to submit its final narrative and financial report within six months from the present submission, *i.e.* by 2 December 2024, and to annex to its final report the final version of the evaluation report prepared by a team of independent researchers of the University of Edinburgh (‘the researchers’). The TFV considers that the findings of the researchers on the impact of the reparations programme will inform the report pursuant to Regulation 58 and that, conversely, the TFV will introduce and refer to the evaluation report in its final report.

17. Evaluations of other TFV programmes have also been requested by the TFV from the researchers and are subject to the TFV’s feedback. The TFV is also in the process of synchronising the approach to the different evaluation reports with the researchers.

18. Accordingly, the TFV considers that the next six months are necessary not only to finalise its own final report of the implementation of reparations in this case, given its parallel workload in the cases of *Ongwen* and *Ntaganda*, but also to finalise the work with the researchers on the final version of the evaluation report. In this regard, the TFV reports that the researchers have produced an initial report on the evaluation in 2023, to which the TFV has provided a first round of

¹⁷ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#).

¹⁸ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#), disposition.

feedback.¹⁹ Currently, the TFV is providing a second round of feedback on a second version of the report which has been prepared by the researchers in early 2024.

B. Upcoming Quarterly Update Report

19. The TFV respectfully requests the Trial Chamber's leave to report by 19 July 2024 on the symbolic ceremony held on 24 April 2024 and to submit the final version of the report of the TFV's expert psychologist on the evaluation of the psychological support component of the collective reparations ordered in the present case referred to in previous quarterly update reports. This is the date that had been foreseen, according to the filing schedule, for the submission of the TFV's upcoming quarterly update report.²⁰ As provided for in its Sixteenth report, the TFV has been in the process of providing feedback on the report of the psychologist who had finalised the evaluation of the psychological component of the reparations at the time of submission of her report to the TFV in January 2024.²¹

20. Accordingly, the TFV requests the Trial Chamber to allow it to submit its last quarterly update report by 19 July 2024 together with the TFV's expert psychologist's evaluation report.

III. FOR THE FOREGOING REASONS

The Trust Fund for Victims requests the Trial Chamber to take note of its intention to file the final report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims together with the evaluation report of the researchers within six months from the present submission, *i.e.* by 2 December 2024, and requests the Trial Chamber to allow it to file a last quarterly update report by 19 July 2024, to which the report on the implementation of psychological support prepared by the TFV expert psychologist will be annexed.

¹⁹ See also Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, [ICC-01/04-01/07-3922](#), para. 15.

²⁰ See *e.g.* Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, [ICC-01/04-01/07-3922](#).

²¹ Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, [ICC-01/04-01/07-3922](#), para. 14.



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Executive Director of the Trust Fund for Victims

Dated this 29th of May 2024

The Hague, The Netherlands