



Original: **English**

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

Date: **19 July 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

**Seventeenth quarterly update report pursuant to regulation 58 of the Regulations of the
Trust Fund for Victims
with Confidential *Ex Parte* Annex I only available to the Trust Fund for Victims**

Source: Trust Fund for Victims

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

Trust Fund for Victims
Ms Deborah Ruiz Verduzco

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

**Victims Participation and Reparations
Section**
Mr Philipp Ambach

I. BACKGROUND

1. 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.
2. On 1 December 2023, 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. 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’).¹
3. On 24 April 2024, the TFV held a closing ceremony for the reparations programme in Bunia, the Democratic Republic of the Congo.
4. 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’).² The LRV requested that the Chamber issue a decision closing the present case, thereby ending the LRV’s mandate.³
5. On 23 May 2024, the Trial Chamber delivered an Order on the mandate of the Legal Representative of Victims.⁴ 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.⁵ The Chamber recalled, however, that the judicial stage of the reparations proceedings and the implementation of reparations has concluded and the closing ceremony has been held.⁶ 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.⁷

¹ 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](#).

² *Requête du Représentant légal relative à la clôture de l’affaire*, 7 May 2024, [ICC-01/04-01/07-3924](#).

³ *Requête du Représentant légal relative à la clôture de l’affaire* (‘LRV Request’), 7 May 2024, [ICC-01/04-01/07-3924](#), para. 25.

⁴ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#).

⁵ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#), para. 8.

⁶ *Ibid.*

⁷ Order on the mandate of the Legal Representative of Victims, 23 May 2024, [ICC-01/04-01/07-3925](#), disposition.

6. On 24 May 2024, the LRV submitted an Urgent request for reconsideration of the Order on the mandate of the Legal Representative of Victims ('Request for Reconsideration').⁸

7. 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.⁹

8. 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.¹⁰

9. On 29 May 2024, the LRV submitted a Request for authorisation to appeal the Order on the mandate of the Legal Representative of Victims ('Request for Leave').¹¹

10. On 29 May 2024, the TFV presented a Submission pursuant to the Order on the mandate of the Legal Representative of Victims in which it requested the Trial Chamber to take note of its intention to file its final report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims together with the evaluation report of the researchers by 2 December 2024, and 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 would be annexed.¹²

11. On 10 June 2024, the Trial Chamber delivered its Decision on the request for reconsideration of or leave to appeal the 'Order on the mandate of the Legal Representative of Victims' (ICC-01/04-01/07-3925) in which it granted the LRV's Request for Reconsideration in part and rejected the LRV's Request for Leave.¹³

12. On 11 June 2024, the Single Judge delivered a Decision on the Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal Representative of Victims in which

⁸ *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](#). A public redacted version was issued on 29 May 2024: [ICC-01/04-01/07-3926-Red](#).

⁹ Email sent on behalf of Trial Chamber II, 27 May 2024, at 10.37 am.

¹⁰ *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](#). A public redacted version was issued on 31 May 2024: [ICC-01/04-01/07-3927-Red](#).

¹¹ *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](#). A public redacted version was issued on the same date: [ICC-01/04-01/07-3928-Red](#).

¹² Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal Representative of Victims, 29 May 2024, [ICC-01/04-01/07-3929](#).

¹³ Decision on the request for reconsideration of or leave to appeal the 'Order on the mandate of the Legal Representative of Victims' (ICC-01/04-01/07-3925), 10 June 2024, [ICC-01/04-01/07-3931-Conf](#). A public redacted version was issued on the same date: [ICC-01/04-01/07-3931-Red](#).

it took note of the TFV's intention to submit the final report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims by 2 December 2024; granted the TFV's request to file its last quarterly update report by 19 July 2024 and granted the TFV's request to annex its expert psychologist's final evaluation report on the implementation of psychological support to its last quarterly update report due by 19 July 2024.¹⁴

II. CLASSIFICATION OF THE PRESENT SUBMISSION

13. Pursuant to Regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund for Victims has classified Annex I containing the July 2024 version of the expert psychologist's report as confidential *ex parte* only available to the Trust Fund for Victims. The expert psychologist's report will be made available in a public version as a publicly available annex to the Trust Fund for Victims' final report on the implementation of the *Katanga* reparations, referred to in paragraphs 10 and 12.

III. REPORT

14. The Trust Fund for Victims hereby submits its Seventeenth quarterly update report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims, and in accordance with the Trial Chamber's instruction to submit reports starting with a first report on 17 July 2020¹⁵ concerning the progress in the implementation of the collective reparation awards ordered in the case of *The Prosecutor v. Germain Katanga* and in accordance with the Single Judge's Decision on the Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal Representative of Victims.¹⁶

15. Accordingly, the TFV hereby submits as Annex I to the present filing, as a confidential *ex parte* annex only available to the Trust Fund for Victims, its expert psychologist's final evaluation report in the version of July 2024 on the implementation of psychological support modality. In its final report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims, the TFV will provide the relevant contextual information to the report and annex a public version of the

¹⁴ Decision on the Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal Representative of Victims, 11 June 2024, [ICC-01/04-01/07-3932](#).

¹⁵ *Ordonnance enjoignant au Fonds au profit des victimes de déposer des rapports trimestriels sur l'exécution des réparations et au représentant légal des victimes de déposer des observations à des fins de clarification de ses écritures des 6 et 13 mars 2020*, 3 July 2020, [ICC-01/04-01/07-3855](#).

¹⁶ Decision on the Trust Fund for Victims' Submission pursuant to the Order on the mandate of the Legal Representative of Victims, 11 June 2024, [ICC-01/04-01/07-3932](#).

report, which will be discussed with the expert psychologist timely before the filing of the final report.

16. In addition to this, the TFCV hereby submits, in part IV of the present filing, a report on the symbolic ceremony marking the completion of the implementation of reparations for victims in the present case organised jointly by the TFCV, the International Criminal Court and the programme beneficiaries on 24 April 2024 in Bunia, DRC and in close coordination with the government authorities of the Democratic Republic of the Congo, in particular the Governor of Ituri Province. The ceremony originally planned for February 2024 had to be re-scheduled due to security restrictions.

IV. REPORT ON THE SYMBOLIC CEREMONY

A. Context

17. On 24 April 2024, as part of a joint endeavour of the Trust Fund for Victims and of the Registry of the International Criminal Court (“ICC”), with the support of the government of the Democratic Republic of the Congo, and in the presence of Ambassadors and representatives from Belgium, the European Union, Germany, the Netherlands and Senegal, a ceremony was held in Bunia, Ituri, DRC, to mark the completion of the implementation of reparations in the case *The Prosecutor v. Germain Katanga* (the “ceremony”) and to recognise publicly the harm suffered by the victims found eligible for reparations in this case.

18. The symbolic event was organised in pursuance of the request of the beneficiaries of reparations in this case, who expressed the wish to memorialise the events that took place in the context of the armed attack against the village of Bogoro on 24 February 2003, which was the focus of the case. In this respect, the event thus sought to sensitise the international community in relation to these crimes and to underline the need for guarantees of non-repetition. The victims also expressed a strong desire to engage in dialogue with judges of the composition of the Trial Chamber that had delivered the Reparations Order. Such a meeting was considered to be a measure of satisfaction or recognition and the dialogue aimed at giving victims the opportunity to ask questions directly to a judge who had ordered the reparations and therefore get insight into the reasoning behind the Reparations Order directly from the judge.

19. For this purpose, a vast majority of victims constituted themselves in a committee to devise the event (“victims committee”), and selected a spokesperson, who was not a victim himself, to represent them.

20. Through discussions within the victims committee, and consultations with the Legal Representative of Victims and with the TFV, the victims committee actively co-designed and co-prepared the symbolic ceremony and its key aspects, as further described below.

B. Mission to Bunia

21. The Court and the TFV jointly organised the mission to Bunia, Ituri Province, DRC, via Kinshasa, DRC. The TFV was represented during the mission by Mr Ibrahim Yillah, Vice-Chair of the TFV Board of Directors, who represented the TFV Board of Directors and Ms Deborah Ruiz Verduzco, the TFV Executive Director. They were accompanied by the TFV Legal Adviser, the TFV DRC Programme Manager and TFV staff stationed in Bunia. The Court was represented during the mission by the Chief of Country Office stationed in Kampala, Uganda, who was accompanied by Registry staff from Bunia and Kampala. The mission had essential support from MONUSCO.

22. Additional participants of the mission traveling to Kinshasa were H.E. Ramatoulaye Ba Epe Faye, Ambassador of Senegal to the Netherlands who is the co-facilitator on cooperation for the Bureau of the Assembly of States Parties, and who participated in the mission as a representative of the States Parties, former Judge at the ICC (2015-2024) Mr Marc Perrin de Brichambaut, who had presided over the Chamber that delivered the Reparations Order and participated in the mission pursuant to the wishes of the victims as referred to above in paragraph 18, and the Legal Representatives of Victims, Maître Fidel Luvengika Nsita and Maître Paolina Massidda, as well as members of their respective teams.

23. The above-mentioned mission members were joined in Kinshasa by a delegation of Ambassadors of States Parties led by H.E. Ingo Herbert, Ambassador of Germany to the DRC, and including H.E. Roxane de Bildering, Ambassador of Belgium to the DRC, H.E. Nicolás Berlanga Martínez, Head of Delegation of the European Union to the DRC, and Ms Evelien Boersma, Cheffe de mission adjointe for H.E. Angèle Samura, Ambassador of the Netherlands to the DRC, as well as members of their respective missions. In this context, it is recalled that the award for reparations of USD 1 million ordered by the ICC against Mr. Katanga was complemented in full by the TFV

with resources from the governments of Germany, the Netherlands and additional unrestricted contributions for the TFV.

24. The advisor to the President of the DRC and ICC Focal Point, Prof. Taylor Lubanga, and a member of his staff, also joined the mission in Kinshasa.

25. On 22 April 2024, H.E. Roxane de Bildering, Ambassador of Belgium to the DRC, welcomed the mission members in Kinshasa.

26. On 23 April 2024, upon arrival in Bunia, the mission members were welcomed by the Governor of Ituri Province, H.E. Lieutenant General Johnny Luboya, who also invited the delegation as well as key members of the provincial government and of international organisations with seat in Bunia for a dinner.

27. On 24 April 2024, the ceremony was held as reported below. The ceremony was accompanied by an open day, where partners of the TFV presented the *Lubanga* reparations programme and the assistance programme, together with beneficiaries of these programmes. A dinner was held with the TFV partner organisations sponsored by the Embassy of the Netherlands to the DRC.

28. On 24 April 2024 and on 26 April 2024, mission members gave press conferences respectively in Bunia and Kinshasa, which allowed for country-wide coverage of the ceremony. The conference was filmed by a media company hired by the TFV, who ensured that the materials were made available to all major media outlets in the DRC.

29. On 25 April 2024, after arriving in Kinshasa, the mission members were welcomed by H.E. Ingo Herbert, Ambassador of Germany to the DRC. He hosted a roundtable event, which gathered States Parties, United Nations agencies (hereinafter: “UN agencies”), government officials and civil society to learn more about the Court’s and the TFV’s victim-centred approach in the reparation implementation and about other reparation programmes implemented by the TFV in the DRC.

30. On 26 April 2024, the mission members who had originally travelled to Kinshasa were welcomed to the DRC by the President of the Constitutional Court as organised by the ICC focal point to the DRC, enabling them to personally give an account of the ceremony to the DRC government.

C. The Ceremony

31. More than 200 of the 297 reparations beneficiaries were present at the ceremony, as were their Legal Representatives, Maître Fidel Luvengika Nsita and Maître Paolina Massidda, and members of their respective teams, as well as the spokesperson of the victims referred to above in paragraph 19.

32. The ceremony was attended by all mission members as set out in the previous section, as well as by representatives of the provincial government, representatives of the community of Bogoro and of other communities, by international organisations and TFV partner organisations.

33. The ceremony, moderated by the TFV DRC Programme Manager, was opened by the Governor of Ituri Province, H.E. Lieutenant General Johnny Luboya, and by the advisor to the President of the DRC and ICC Focal Point, Prof. Taylor Lubanga, as well as by the TFV Executive Director, Ms Deborah Ruiz Verduzco, who gave an overview of the reparations implementation.

34. The inaugural portion included a pre-recorded welcome message from the ICC President Judge Tomoko Akane: *“This is the first time that the implementation of reparations ordered by the judges in an International Criminal Court case has been completed. It is therefore an important milestone for the Rome Statute system, but above all, it is an important moment for the survivors of the attack on the village of Bogoro,”* said ICC President Tomoko Akane in her video-recorded message presented to the participants of the closing ceremony. In addressing the beneficiaries, she said the following: *“I deeply admire the dignity you have shown throughout the ICC process, and I sincerely hope that the International Criminal Court has succeeded in bringing you justice.”* H.E. Ramatoulaye Ba Epse Faye, Ambassador of Senegal to the Netherlands, welcomed the participants on behalf of the States Parties.

35. The second part of the ceremony focused on the recognition of the harm suffered by the victims due to the commission of the crimes. Former Judge Perrin de Brichambaut recalled the recognition given to the victim in the Reparations Order that found 297 victims eligible to receive reparations. The Single Judge at the ICC Trial Chamber II, currently overseeing the implementation of the *Katanga* Reparations Programme, Judge Socorro Flores Liera, transmitted, on behalf of the Trial Chamber, a message of recognition of the harm suffered by the victims. Through the means of a pre-recorded message, the President of the Assembly of States Parties, H.E. Ms. Päivi Kaukoranta, spoke to the victims on behalf of the States Parties to the Rome Statute.

36. After the second part, the part designed by the victims started, which featured as main speakers the Legal Representatives of Victims and the spokesperson of the victims. The Legal Representative Maître Fidel Luvengika Nsita enumerated and thanked all those involved in the many years of judicial proceedings and reparation implementation. He as well as the spokesperson of the victims explained how the victims were involved in the process and expressed appreciation for this process.

37. The part designed by the victims started with a dance showing various local traditions symbolising calls for reconciliation between the various communities of Ituri Province, which continues suffering armed conflict. Central to the ceremony was a theatrical performance by students from Bogoro. They played a meeting held in Bogoro, where members of the community discussed the importance of the Rome Statute and the Rome Statute's key role in the people of Bogoro's quest for justice. The performance concluded with a prayer.

38. The ceremony also included a testimony about the February 2003 attack and the positive effect of the reparations from a victim who expressed, on behalf of the victims of the case, the acceptance of the reparations. A further symbolic act of acceptance of the reparations and of their completion entailed the transfer from the beneficiaries to the representatives of the institutions that made the reparations possible of hand-made cows in clay. Cows are central to the Iturian identity as symbols of prosperity. They were also part of the income-generating items that victims chose to receive as reparations.

39. After this central part, H.E. Ingo Herbert, Ambassador of Germany to the DRC was joined by H.E. Roxane de Bildering, Ambassador of Belgium to the DRC, H.E. Nicolás Berlanga Martínez, Head of Delegation of the European Union to the DRC, and Ms Evelien Boersma, Cheffe de mission adjointe for the Ambassador of the Netherlands to the DRC in addressing the victims. He stated that those supporting the TFV *“wish to honour the victims and their Legal Representatives for bearing witness and for demonstrating to the international community how to actively implicate local communities in the planification and implementation of reparations.”*

40. Mr. Ibrahim Yillah, Vice-Chair of the Board of Directors of the Trust Fund for Victims of the ICC said in the concluding remarks: *“This ceremony serves as a reminder of the key importance of collaboration between the States Parties to the Rome Statute, the ICC and the Trust Fund for*

Victims and illustrate the international community's strong commitment to the pursuit of justice promised by the Rome Statute.”

41. The ceremony was closed by the Governor of Ituri Province.

42. After the ceremony, the requested dialogue between the beneficiaries of the reparations and former Judge Marc Perrin de Brichambaut took place, while other invitees had left the room. The victims’ questions to the former Judge served in the first place as a confirmation to the victims that no additional reparations could be expected. Victims also expressed their gratefulness for the process of reparation implementation by the Court and the TFV and for their inclusion in the process, stressing thereby the important role of the Legal Representative.

V. FINANCIAL ISSUES

43. The costs of the symbolic closing ceremony and for the mission were not financed by funds which complemented the Reparations Order.

VI. FOR THE FOREGOING REASONS

The Trust Fund for Victims requests the Trial Chamber to take note of the present report and its annex.



Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims

Dated this 19th of July 2024

The Hague, The Netherlands