

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 2 February 2015

TRIAL CHAMBER II

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Christine Van den Wyngaert, Judge
Judge Olga Herrera Carbuccia, Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public Document

**Request for leave to file submission on reparations issues pursuant to Article 75 of
the Statute**

Source: Queen's University Belfast's Human Rights Centre and University of
Ulster's Transitional Justice Institute

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Éric MacDonald

Counsel for the Defence

Mr David Hooper

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Legal Representatives of the Applicants

[1 name per team maximum]

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms. Paolina Massida

**The Office of Public Counsel for the
Defence**

[2 names maximum]

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Mr Pieter de Baan, Executive Director,
Trust Fund for Victims

1. On 15th January 2015, the Trial Chamber issued its *“Scheduling order for interested States or other interested persons to apply for leave to file submissions pursuant to Article 75 of the Statute”*, inviting representations from or on behalf of the convicted persons, victims, and other interested persons or interested States on the issues specifically addressed in the Registry's *‘Report on applications for reparations in accordance with Trial Chamber II Order of 27 August (“Report”)*’.
2. The Queen’s University Belfast’s Human Rights Centre (HRC) and the University of Ulster’s Transitional Justice Institute (TJI) request leave to file a submission on the reparations-related issues identified by the Registry’s Report.
3. The HRC and TJI are publicly funded universities in Northern Ireland, which specialize in researching and teaching human rights, international criminal justice and transitional justice. The HRC and TJI have over twenty years of experience researching and providing expert testimony and consultation on reparations to a number of governments, regional courts, and civil society organizations, including the South African Truth and Reconciliation Commission, the Inter-American Court of Human Rights, the International Centre for Transitional Justice, and in Cambodia, Chile, Northern Ireland, Sierra Leone, South Africa and Uganda.
4. Specifically the HRC and TJI submission will draw on expertise on the issues of:
 - a. the procedural role of victims in the reparation process and implementation, both those already participating as well as those who could qualify for reparations;
 - b. the modalities of designing and delivering individual and appropriate collective reparations, including how compensation can be a means of symbolic acknowledgement and enable victims’ agency with limited resources;

- c. determining eligibility and apportionment amongst victims, based on harm and needs;
- d. the role of the Trust Fund, reparations, and assistance to encourage reconciliation in time of political instability;
- e. state cooperation in widening reparations to other victims outside the Court's jurisdiction;
- f. how acknowledgment of responsibility and apology by the convicted person can be facilitated to be more sensitive to victims' needs.

This submission will draw upon the members of the HRC and TJI experience in numerous jurisdictions in effectively implementing reparations.



Dr Luke Moffett
on behalf of
Queen's University Belfast's Human Rights Centre and University of Ulster's
Transitional Justice Institute

Dated this 2 February 2015

At Belfast, Northern Ireland

At [place, country]