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TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. GERMAIN KATANGA

Public redacted version of

Observations in response to the Trial Chamber's order of 15 July 2016

With

**Public redacted version of Annex A: Index of annexes, and
public annexes 1-5 and 7-14**

Source:

The Trust Fund for Victims

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

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I. INTRODUCTION

1. On 15 July 2015, Trial Chamber II (hereinafter “Trial Chamber”) issued an order¹ in which it instructed, *inter alia*, the Trust Fund for Victims (hereinafter “Trust Fund”) to file observations “on what [it] consider[s] a fair monetary value for each type of harm, be it material, physical or psychological, suffered by the [reparations] requesters”² in the *Katanga* case. The order included as an annex a table listing each type of harm allegedly suffered.³
2. On 23 August 2016, following the Trust Fund’s request for access to a document,⁴ the Trial Chamber issued an order,⁵ to which it attached as an annex a more detailed table containing each alleged harm (hereinafter “Table of Harms”).⁶ For each monetary amount, the Trial Chamber requested that the Trust Fund provide an explanation of the methodology used to arrive at that amount.⁷ Finally, the Trial Chamber requested the Trust Fund to provide its view regarding whether it is appropriate for the alleged harms to be evaluated based on their monetary value at the time of the crime in 2003 or their current value in 2016.⁸
3. On 14 September 2016, following a request from the legal representative of victims,⁹ the Trial Chamber granted an extension for the filing of the observations to 30 September 2016.¹⁰
4. The Trust Fund hereby submits its observations as requested by the Trial Chamber.

¹ Order instructing the parties and the Trust Fund for Victims to file observations on the monetary value of the alleged harm, ICC-01/04-01/07-3702-tENG (hereinafter “Order of 15 July 2016”).

² Order of 15 July 2016, para. 9.

³ Order of 15 July 2016, para. 9, referring to Annex 4 of the “Report on the implementation of Decision NO. 3549, including the identification of harm suffered by victims as a result of crimes committed by G. Katanga (article 75(1) of the Statute and regulation 38(1)(f) of the Regulations of the Court)”, 6 July 2016, ICC-01/04-01/07-3687-Anx4.

⁴ Request for access to document ICC-01/04-01/07-3681-Conf, 12 August 2016, ICC-01/04-01/07-3703.

⁵ Ordonnance relative à la requête du Fonds au profit des victimes sollicitant accès au document ICC-01/04-01/07-3681-Conf et relative aux observations concernant la valeur monétaire des préjudices allégués, 23 August 2016, ICC-01/04-01/07-3705 (hereinafter “Order of 23 August 2016”).

⁶ ICC-01/04-01/07-3705-Conf-Exp.

⁷ Order of 23 August 2016, para. 12.

⁸ Order of 23 August 2016, para. 13.

⁹ Demande de prorogation de délai en vue du dépôt d’observations sur la valeur monétaire des préjudices allégués (Ordonnances ICC-01/04-01/07-3702 et ICC-01/04-01/07-3705), 9 September 2016, ICC-01/04-01/07-3707.

¹⁰ Décision accordant une prorogation de délai pour le dépôt des observations sur la valeur monétaire des préjudices allégués, ICC-01/04-01/07-3708.

II. CLASSIFICATION OF THE PRESENT FILING

5. The Trust Fund has classified the present filing and attached annexes confidential, *ex parte* pursuant to regulation 23 *bis* (1) of the Regulations of the Court due to the fact that one of the NGOs who submitted a response to the questionnaire and who is referred to herein did not consent to being referred to in a public filing. The Trust Fund defers to the Trial Chamber's determination as to whether to nonetheless take the provided information into account. The Trust Fund will file a public redacted version at the same time that it files the present submission, redacting the references and information from the non-consenting NGO.

III. PRELIMINARY OBSERVATIONS

6. Before submitting its observations on the alleged harms detailed in the Table of Harms, the Trust Fund would like to first make several preliminary observations on issues relevant to the entirety of its observations.

A. The Trust Fund's approach in undertaking the requested task

7. First, the Trust Fund notes that the Trial Chamber requested observations from it "in view of [the Trust Fund's] extensive knowledge of the context in Ituri".¹¹ In addition, the Trust Fund notes that several of the alleged harms are described by terms such as "necessary for daily needs" in Bogoro.¹² From this, the Trust Fund understood that it should not attempt to address the specifics of any particular reparations request, but rather that its knowledge of the context of what typical daily life in Bogoro (and Ituri more generally) entails may be of assistance to the Trial Chamber. Accordingly, in addition to compiling various monetary values in relation to the listed alleged harms, the Trust Fund has also attempted to provide the Trial Chamber with contextual information relevant to daily life in Bogoro, including descriptions of the available public infrastructure and medical resources.

8. In this respect, the Trust Fund notes that its knowledge of the context in Ituri is primarily due to its relationship with local organizations and individuals, including its network of local implementing partners, local community leaders, and its field staff based in Bunia. The Trust

¹¹ Order of 15 July 2016, para. 9.

¹² See for example, I (b) "personal affairs necessary for daily life", I (d) "livestock", with the additional detail of "for example: livestock to support daily needs".

Fund has therefore sought out local sources that it considers reliable and objective in order to compile the requested information.

9. In particular, the Trust Fund has sought information, in the form of questionnaires, from local NGOs that have operated in or are currently operating in Bogoro.¹³ In so doing, the Trust Fund has attempted to compile as much contextual information as possible. However, given that there may be additional information that the Trial Chamber would find of assistance, the Trust Fund also inquired in the questionnaires whether these local based NGOs would be available and willing to answer any further inquiries directly from the Trial Chamber, potentially by way of a video link. The Trust Fund wishes to inform the Trial Chamber of its willingness to assist in arranging any such further inquiries should the Trial Chamber consider this to be helpful to it.

10. Second, in light of the circumstances of the *Katanga* case, the Trust Fund has attempted as much as possible to provide the Trial Chamber with information related to monetary amounts specific to Bogoro. However, when this information was not findable, the Trust Fund has also sought information relevant to Bunia, Ituri, and in certain situations the Democratic Republic of the Congo (hereinafter “DRC”) generally.

11. Finally, the Trust Fund notes the Trial Chamber’s request that it also explain the methodology it used to arrive at the various submitted monetary values. The Trust Fund does not consider that it is its role to advocate for a particular methodology or monetary value over another, as this is a decision that falls fully within the purview of the Trial Chamber itself. Accordingly, where multiple potential methodologies are identified, The Trust Fund has presented each possible methodology objectively without taking a position on which (or the potential monetary value associated thereto) the Trial Chamber should adopt.

B. Outstanding information and related matters

12. Following receipt of the initial responses to the questionnaires mentioned above, the Trust Fund identified several potentially relevant additional questions, based on a further review of the more detailed list in the Table of Harms of 23 August 2016, and prepared a

¹³ See, for a description of these organisations and the activities undertaken by them in Bogoro and the surrounding areas, response to question (1) in Annex 3. NGO Caritas, Annex 4. NGO COOPI, Annex 5. NGO Ecopaix/Missionaires d’Afrique, [REDACTED].

supplemental questionnaire. The Trust Fund regrets that it has not been able to receive the responses to these additional questions within the deadline for this submission.

13. In this same regard, the Trust Fund also considered that the Trial Chamber may find of relevance information related to monetary judgments issued by various DRC judicial institutions. The Trust Fund was able to obtain limited information related to the customary court system in this regard¹⁴ and recalls that it has already directed the Trial Chamber to certain judgments issued by the DRC Military Court in the context of awards for crimes against humanity and war crimes (though these judgments are not specific to crimes related to former child soldiers). The Trust Fund also identified local practicing lawyers and sought information regarding monetary judgments in the context of ordinary crimes that are similar to the harms identified in the Table of Harms. The Trust Fund regretfully informs the Trial Chamber that it has not yet been able to receive responses from its inquiries in this regard.

14. The Trust Fund intends, should the Trial Chamber so desire, to submit this outstanding information as soon as it is received. However, mindful of the Trial Chamber's timetable and the right of response by the parties in this case, the Trust Fund would request that the Trial Chamber indicate whether it wishes for the Trust Fund to proceed in this manner.

15. Finally, the Trust Fund recalls that the Trial Chamber granted the extension of time in part due to a desire by the parties to continue discussions amongst themselves and with the Trust Fund in order to attempt to reach a common agreement on the monetary values at issue in this case. While the Trust Fund participated in very preliminary discussions with the Legal Representative, there regrettably was not time for the Trust Fund to meaningfully consult with the Legal Representative and Defence in advance of the present deadline. The Trust Fund understands that discussions between the Legal Representative and Defence have been able to take place, though the Trust Fund is not privy to how far they have advanced or the actual status of any possible agreements. The Trust Fund wishes to stress that it views its participation in this process as being primarily to assist the Trial Chamber by providing information based on its particular knowledge of the context in the DRC that may supplement the information provided by the parties. In this regard, the Trust Fund considers it appropriate to express that in relation to the question of what is a "fair" monetary value for the harms at

¹⁴ See Annex 2, Chief of Bogoro, response 14; supplemental questionnaire, response 5.

issue in this case, it fully defers to any agreement reached by the parties. The Trust Fund in no way wishes for its submissions to be placed in opposition to any agreed upon methodology or monetary value reached by the parties and would accordingly request that the Trial Chamber take note that the Trust Fund qualifies its present submissions by the fact that it was unable to consult with the parties in advance of the submission of this filing. The Trust Fund remains fully committed to participating in such consultations in this case.

C. Explanation of the presentation of the information compiled

16. The Trust Fund has attempted to compile documents (ex. official records, receipts, etc.) and written statements from sources in order to assist the Trial Chamber in evaluating the reliability and weight to be given to the information presented. Each document is attached to this submission as an annex. The Trust Fund has chosen not to repeat the specific information contained in the annexes in this submission, but rather has included a reference to the relevant annex which contains the more specific information.

D. Assessing value from the time of the crime or from the present

17. The Trust Fund has attempted to gather historical data regarding monetary values from 2003 and 2016. However, the Trust Fund wishes to inform the Trial Chamber that, despite its best efforts, it was very difficult to find reliable information, and in many cases any information, related to 2003. Furthermore, the Trust Fund observes that this information is being requested in the context of reparations proceedings. Reparations relate to the notion of *repairing* harm and should, in the Trust Fund's submission, represent an effective remedy to the victims for the harms that they have suffered. Given that the harms suffered can only be repaired in the present, the Trust Fund submits that the more appropriate point of reference for assessing any alleged harms is the current associated monetary value, i.e. that of 2016.

E. Whether the monetary value should be contextualized based on the crimes occurring in the DRC

18. The Trust Fund observes that the question of whether or not monetary values should be contextualized by the standard of living in the DRC is an important policy question for the Trial Chamber and, beyond this case, for the Court more generally.

19. An argument can be made that reparation awards should take into account the standard of living and local customs regarding amounts of monetary awards. In this sense, reparations are

not just a courtroom exercise, but are realized in a specific context. This context influences the ability of the convicted person to pay for reparations awards and affects the victims whose harm needs to be repaired in an effective manner.

20. On the other hand, it can also be argued that the Court should establish standard “international” monetary values that could apply across cases regardless of in which country the crimes were committed. In particular for non-pecuniary types of harm (see the discussion directly below in F in this regard), such as the pain of losing a loved one, an argument could be made that the context of whether the violation occurred in a poorer situation country, rather than in a richer situation country, is not necessarily a relevant or appropriate factor. In support of this second view, one can look at how sentences are imposed at the Court, which are based on a ICC-specific sentencing scheme and have no relationship to the length of sentence that typically would be imposed in the relevant national legal system.

21. Contrarily and in support of a contextualized view, academic studies analyzing large numbers of judgments granting reparations in a human rights context have shown that, even with an “internationalized” court such as the ECHR, different monetary values are attached also to non pecuniary damage depending “on the overall context in which the breach occurred, i.e. the local economic circumstances”.¹⁵

F. Whether the legal concept of “moral damages” could be of relevance in the present case

22. The Trust Fund observes that the crimes committed by the convicted person have resulted in various manifestations of harm, which it submits not only have a material or economic dimension, but also a moral dimension. For instance, the death of a family member has an economic value, for example that the individual is no longer able to contribute to the family income. However, this harm also causes significant moral damage in terms of pain, sadness and mourning. Similarly, the psychological harm of the crimes at issue may also be said to have a moral dimension that goes beyond the (potential) medical costs of counseling. This moral dimension of harm can for instance consist of the experience of trauma, pain,

¹⁵ See e.g. Altwicker-Hamori, Altwicker and Peters, *Measuring Violations of Human Rights, An Empirical Perspective of Awards in Respect of Non-Pecuniary Damage under the European Convention of Human Rights* at page 20 with further references.

suffering and mental anguish. Victims may feel stigmatized and excluded, or consider personal dignity tainted.

23. The Trust Fund notes that moral damage can less easily be quantified in monetary terms than the economic dimension of harm, but nonetheless notes that the right of reparation for such moral harm is widely recognized in national jurisdictions. German law, for example, recognizes the concept of “Schmerzensgeld” (*pretium doloris*). Similarly, French courts award compensations for moral damages (*préjudice moral*) including for instance in the case of accidents for the “*préjudice d’agrément*”, a diminishment of the enjoyment of life caused by the injury. Further, in the jurisprudence of international human rights tribunals such as the ECHR and the IACtHR, the Trust Fund notes that it is well-established practice to award damages for non-pecuniary and moral damage.¹⁶

24. Accordingly, the Trust Fund submits that the Trial Chamber may wish to consider whether to include the concept of moral damage when determining the monetary values associated with the harms at issue in this case.

G. Trans-generational harm

25. The Trust Fund also observes that the Table of Harms includes the notion of trans-generational harm both in terms of economic and psychological harm.

26. The Trust Fund understands trans-generational harm to relate to how the harm done to one person (i.e. the direct victim) continues to affect other persons over one or several generations (i.e. the children and their descendants).

27. The Trust Fund notes that trans-generational harm as a concept is recognized in a wide field of disciplines. For instance, the term “trans-generational justice” has been invoked in the context of the repercussions of the harm historically caused by slavery in the United States and in relation to initiatives such as “affirmative action” that address the fact that African-Americans may be at an inherited disadvantage as compared to other portions of the US population because of the historic crime of race-based slavery.¹⁷ Similarly, psychologists,

¹⁶ See e.g. ECHR, *Varnava and others v. Turkey* case, of 10 January 2008, at para. 224 for a detailed explanation of the ECHR’s approach to moral damages and just satisfaction.

¹⁷ See e.g. Loury, *Trans-Generational Justice – Compensatory vs. Interpretative Approaches* at https://www.brown.edu/Departments/Economics/Faculty/Glenn_Loury/louryhomepage/papers/reparations%20.pdf

such as Dr. Yael Danieli, have studied the trauma caused by the Holocaust¹⁸ and how it has affected not only the direct victims, but also their children and future generations.

28. The Trust Fund also observes that administrative reparations schemes, such as the Tasmania's Stolen Generations of Aboriginal Children Act, have recognized claims of descendants if the direct victim is no longer alive. In this situation, the descendant inherits the claim. More relevantly to this issue, however, several administrative reparation schemes have recognized explicitly that the disadvantages suffered by the next generation, as a result of the violation to the direct victim, may require redress and have accordingly offered compensation for the affected descendants and children, or benefits such as free education, free public transport or prioritized access to housing.¹⁹

29. Whether future generations may be eligible to benefit from a reparations program may also be tied to the fact that their father or mother's ability to generate income has been affected by a violation. For instance, under the reparations scheme in Sierra Leone, children of amputees (or whose parents' capacity to earn income was diminished due to disability by 50%) are entitled to free education in recognition of the fact that the disability diminished their parents' ability to earn a family income.

30. The Trust Fund respectfully submits that it is for the Trial Chamber to decide whether the Trial Chamber should recognize "trans-generational harm", including whether children born after the destruction of Bogoro qualify as victims. The Trust Fund notes that there would be precedent for such recognition in particular where a causal link between the harm suffered by a member of a next generation and the crime for which Mr Katanga was convicted can be established and the harm satisfies the other requirements established by the jurisprudence of the Court for indirect victims (e.g. that it is personal).

18 Yael Danieli also edited a book entitled *International Handbook of Multigenerational Legacies of Trauma*, (Springer, 2013) that looks beyond the Holocaust and examines multigenerational effects of trauma across various victim/survivor populations around the world from multidimensional and multidisciplinary perspectives.

¹⁹ *Ibid.*

IV. DISCUSSION OF ALLEGED HARMS SUFFERED AND THE CORRESPONDING MONETARY VALUE

A. Introduction

31. In this section, the Trust Fund has presented the information that it was able to gather in response to the Order of 15 July 2016 as further specified in the order of 23 August 2016. In presenting this information, the Trust Fund has followed the order laid out in the Table of Harms of the specific alleged harms for each category of harm (material, physical, psychological). Each alleged harm is followed by references to the annexes that contain relevant information thereto. The Trust Fund recalls its submissions above related to the concept of “moral harm” and respectfully submits that such a concept may be used as a methodology for assessing the monetary values, either in addition to or in place of, the methodology of associated costs for medical procedures or psychological treatments that the Trust Fund has provided in relation to categories of physical and psychological harms.

B. Material harm

32. In line with what has been submitted above,²⁰ in relation to the listed alleged material harms, the Trust Fund has employed a two step approach. First, it has attempted to provide an explanation or description of the “average” or “typical” items that would be possessed by an individual or household in Bogoro. Second, the Trust Fund has provided the cost/value estimate for those items.

33. Regarding its sources, the Trust Fund has sought information from local community leaders, local government authorities, local shops, and NGOs that operate in or have operated in Bogoro recently.

34. Regarding the methodology used, as suggested above, for household items, land, livestock, and homes, the Trust Fund has compiled information regarding the average amount of each item that an individual or household might possess and the current market value of these items. The Trust Fund notes that in some cases its sources have provided a broad monetary range related to the average value of various items in Bogoro. The Trust Fund is not

²⁰ *Supra* para. 7.

in a position to evaluate these various values and instead provides all of the responses it received to the Trial Chamber for it to consider. Finally, for the alleged harm of loss of future income and standard of living, the Trust Fund has sought demographic information on the average household annual income and the cost of school fees.

35. For the specific monetary values and background contextual information, the Trust Fund directs the Trial Chamber to:

- a. Loss of homes- annexes 1,²¹ 2,²² 3,²³ 4,²⁴ 5,²⁵ 6²⁶
Loss of household items- Annex 2,²⁷ 3,²⁸ 4,²⁹ 5,³⁰ 6³¹, 7³²
- b. Loss of personal items essential to daily life- Annex 7³³, 10³⁴
- c. Loss of other types of structures, such as an annex to a home, a boutique, bakery, etc- Annex 3³⁵, 4³⁶, 5³⁷, 6³⁸
- d. Loss of livestock- Annex 2³⁹, 3⁴⁰, 4⁴¹, 6⁴², 14⁴³

²¹ Annex 1. Societe de Genie de l'information et des Travaux, providing the average construction costs for three types of typically found homes in Bogoro, as well as a construction layout for a home of 9x7 metres.

²² Annex 2, Chief of Bogoro, providing a description of an estimated cost of a typical house in Bogoro made out of clay and bricks, p. 3 response 16.

²³ Annex 3. NGO Caritas, providing a description of a typical house in Bogoro and the estimated current market value, p. 3, response 3 (c)- (d).

²⁴ Annex 4. NGO COOPI, providing a description of a typical house in Bogoro and the estimated current market value, p. 3, response 3 (c)- (d).

²⁵ Annex 5. NGO Missionnaires d'Afrique, providing a description of a typical house in Bogoro and the estimated current market value, p. 3, response 3 (c)- (d).

²⁶ [REDACTED].

²⁷ Annex 2, Chief of Bogoro, providing a description of typical basic household items, supplemental questionnaire, p.5, response 10.

²⁸ Annex 3. NGO Caritas, providing a description of typical basic household items and the estimated average cost of these items that needed to furnish a house in Bogoro, p. 3, response 3 (e) – (f).

²⁹ Annex 4. NGO COOPI, providing a description of typical basic household items and the estimated average cost of these items that needed to furnish a house in Bogoro,, p. 4, response 2 (m)- (n).

³⁰ Annex 5. NGO Missionnaires d'Afrique, providing a description of typical basic household items and the estimated average cost of these items that needed to furnish a house in Bogoro, p. 3, response 3 (e)- (f).

³¹ [REDACTED].

³² Annex 7. Invoices from local shops for household furnishing items (such as tables, chairs, mattresses, etc.).

³³ Annex 7. Invoices from local shops for personal affairs (such as clothes, toiletries, etc.).

³⁴ Annex 10. Invoice from local shop for school items.

³⁵ Annex 3. NGO Caritas, providing information regarding commercial centres in Bogoro and locations to purchase livestock, p. 2-3, response 2 (g) – (h).

³⁶ Annex 4. NGO COOPI, providing information regarding commercial centres in Bogoro and locations to purchase livestock, p. 3, response 2 (g) – (h).

³⁷ Annex 5. NGO Missionnaires d'Afrique, providing information regarding commercial centres in Bogoro and locations to purchase livestock, p. 2, response 2 (g) – (h).

³⁸ [REDACTED].

³⁹ Annex 2. Chief of Bogoro, providing an estimated costs of livestock such as goats and cows, p.1, response 3

⁴⁰ Annex 3. NGO Caritas, providing number of livestock a family would typically possess and typical cost of each type of livestock, p. 3-4, response 3 (i) – (j).

⁴¹ Annex 4. NGO COOPI, providing number of livestock a family would typically possess and typical cost of each type of livestock, p. 4-5, response 3 (i) – (j).

⁴² [REDACTED].

- e. Loss of farmland- Annex 2⁴⁴, 3⁴⁵, 4⁴⁶, 5⁴⁷, 6⁴⁸
- f. Loss of inheritance⁴⁹- Annex 2⁵⁰
- g. Loss of social status/standard of living⁵¹- Annex 2⁵², 3,⁵³ 4,⁵⁴ 5,⁵⁵ 6⁵⁶, 7⁵⁷, 8⁵⁸, 9⁵⁹

C. Physical harm

36. Regarding its sources, the Trust Fund has sought information from local NGOs regarding whether medical services are available in Bogoro, and if so which services. In addition, the Trust Fund gathered information from a medical expert based in Bunia identified by AMAB, one of the Trust Fund's implementing partners.

⁴³ Resultat de marche à betail, providing information from markets regarding details of livestock and current market values in 2016.

⁴⁴ Annex 2. Chief of Bogoro, providing a description of farmland areas; the estimated value before the conflict and current year; typical crops cultivated on farmland in Bogoro in general; crops production per hectare; and the estimated revenue per typical agriculture products, p.1-2, response 1,7-10.

⁴⁵ Annex 3. NGO Caritas, providing a description of typical farmlands areas in Bogoro, and typical crops cultivated in the farmlands, p. 3, response 3 (g) – (h).

⁴⁶ Annex 4. NGO COOPI, providing a description of typical farmlands areas in Bogoro, and typical crops cultivated in the farmlands, p. 4, response 3 (g) – (h).

⁴⁷ Annex 5. NGO Missionnaires d'Afrique, a description of typical farmlands areas in Bogoro, and typical crops cultivated in the farmlands, p. 3, response 3 (h).

⁴⁸ [REDACTED].

⁴⁹ The Trust Fund was not entirely sure how to gather specific monetary values in relation to this alleged harm. The Trust Fund suggests that the monetary values submitted under the heading of other harms may be an appropriate source for determining a value for this harm.

⁵⁰ Annex 2. Chief of Bogoro, providing a description of traditional customs and practices in Bogoro related to heritage, p. 3, response 15.

⁵¹ The Trust Fund considers that information relevant to, for example, the average household items a family might possess or the average number of cattle may also be relevant to the concept of the "standard of living". Because this information is presented under other categories, the Trust Fund has not repeated reference to these parts of the annexes.

⁵² Annex 2. Chief of Bogoro, providing an estimated income per household, p. 2, response 12 and response 5 (a) – (d), providing estimated cost school fees and response 6, providing estimated student enrolment; response 6 to the supplemental questionnaire, providing general description of the available school facilities in Bogoro.

⁵³ Annex 3. NGO Caritas, providing an average number of individuals in an immediate family, and an average/typical income per household in Bogoro, p. 3, response 3(a) – (b); providing a description of available school facilities in Bogoro, response 2(f).

⁵⁴ Annex 4. NGO COOPI, providing an average number of individuals in an immediate family, and an average/typical income per household in Bogoro, p. 3-4, response 3(a) – (b); providing a description of available school facilities in Bogoro, response 2(f).

⁵⁵ Annex 5. NGO Missionnaires d'Afrique, providing an average number of individuals in an immediate family, and an average/typical income per household in Bogoro, p. 2-3, response 3(a) – (b); providing a description of available school facilities in Bogoro, response 2(f).

⁵⁶ [REDACTED].

⁵⁷ Annex 7. Invoices from local shops for household furnishing items (such as tables, chairs, mattresses, etc.) and for personal affairs (such as clothes, toiletries, etc.).

⁵⁸ Annex 8. Arrêté provincial de l'Ituri portant fixation des frais de scolarité pour l'année scolaire 2016 -2017, providing information regarding regulations of school fees 2016 – 2017 in Ituri Province.

⁵⁹ Annex 9. Direction Provinciale de l'Ituri – Clé de répartition des frais scolaires, providing information regarding school administration fees for primary, secondary, and technical schools in Ituri.

37. Regarding the methodology used, the Trust Fund has provided estimated travel costs in relation to services not available in Bogoro, as well the cost of a range of medical procedures relevant to the specific types of physical harms identified in the Table of Harms.

38. In relation to the above, the Trust Fund directs the Trial Chamber to:

- a. Description of available medical sources in Bogoro and areas where such services are available- Annex 2⁶⁰3,⁶¹ 4,⁶² 5,⁶³ 6⁶⁴
- b. Estimated costs of transportation to receive medical services when not available in Bogoro- Annex 3,⁶⁵ 4,⁶⁶ 5,⁶⁷ 6⁶⁸
- c. Costs of medical procedures- Annex 11⁶⁹, 12⁷⁰

D. Psychological harm

39. Regarding its sources, the Trust Fund has sought information from local NGOs regarding whether mental health services are available in Bogoro, and if so which services. In addition, the Trust Fund gathered information from a mental health expert based in the North-Kivu province identified by AMAB, one of the Trust Fund's implementing partners.

40. Regarding the methodology used, the Trust Fund has provided the estimated cost and duration of psychotherapy consultations and treatments relevant to the specific types of psychological harms identified in the Table of Harms.

⁶⁰ Annex 2. Chief of Bogoro, providing information regarding availability of medical facilities services in Bogoro and in other locations when not available in Bogoro, information available as of 2014 and its status in 2016; supplement questionnaire, p. 4-5, response 6 – 9.

⁶¹ Annex 3. NGO Caritas, providing information regarding availability of medical facilities in Bogoro, p.1, response 2(a).

⁶² Annex 4. NGO COOPI, providing information regarding availability of medical facilities in Bogoro, p. 2, response 2(a).

⁶³ Annex 5. NGO Missionnaires d'Afrique, providing information regarding availability of medical facilities in Bogoro, p.1, response 2(a).

⁶⁴ [REDACTED].

⁶⁵ Annex 3. NGO Caritas, providing estimated costs of transportation to receive medical services when not available in Bogoro, p.1-2, response 2(b).

⁶⁶ Annex 4. NGO COOPI, providing estimated costs of transportation to receive medical services when not available in Bogoro, p. 2, response 2(b).

⁶⁷ Annex 5. NGO Missionnaires d'Afrique, providing estimated costs of transportation to receive medical services when not available in Bogoro, p.1, response 2(b).

⁶⁸ [REDACTED].

⁶⁹ Annex 11. Centre de rehabilitation orthopedique de Bunia/Synergie Symama, providing price of services in 2016.

⁷⁰ Annex 12. Clinique Benedicte Bunia, providing price of services, current as of January 2015.

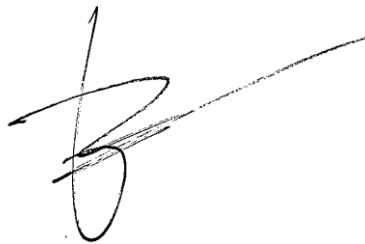
- a. Description of available mental health sources in Bogoro and areas where such services are available- annexes 3,⁷¹ 4,⁷² 5,⁷³ 6⁷⁴, 13⁷⁵
- b. Costs of consultations and treatments- Annex 13⁷⁶

V. Conclusion

41. The Trust Fund hopes that the information submitted in the present filing is of assistance to the Trial Chamber. The Trust Fund reiterates its willingness to assist the Trial Chamber and the parties in this case in whatever manner requested. Finally, should any of the information submitted need further explanation or additional details, the Trust Fund is prepared to respond to any such inquiries in as timely a manner as possible.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits this filing.



⁷¹ Annex 3. NGO Caritas, providing a description of availability of mental health services/psychologists in Bogoro, Ituri, and the DRC including general statement regarding the services, p. 2, response 2 (c) – (e).

⁷² Annex 4. NGO COOPI, providing a description of availability of mental health services/psychologists in Bogoro, Ituri, and the DRC including general statement regarding the services, p. 2, response 2 (c) – (e).

⁷³ Annex 5. NGO Missionnaires d'Afrique, providing a description of availability of mental health services/psychologists in Bogoro, Ituri, and the DRC including general statement regarding the services, p. 2, response 2 (c) – (e).

⁷⁴ [REDACTED].

⁷⁵ Annex 13, Cellules de Clinique Psychosociale en Santé Mentale, providing a general statement of availability of psychologists/mental health services in DRC, current as of September 2016.

⁷⁶ Annex 13. Cellules de Clinique Psychosociale en Santé Mentale, providing estimated costs and duration of psychological treatments, current as of September 2016.

Pieter W.I. de Baan

Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 30 September 2016

At The Hague, The Netherlands