

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/05-01/08

Date: 1 February 2017

TRIAL CHAMBER III

Before: Judge Joyce Aluoch, Presiding
Judge Geoffrey Henderson
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF

THE PROSECUTOR

v. JEAN-PIERRE BEMBA GOMBO

Confidential

Ex parte only available to Registry

Report on meeting in the context of reparations on 21 and 22 December organized by the Trust Fund with a delegation from [REDACTED]

With

Five confidential ex-parte annexes only available to Registry

Source:

The 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

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REGISTRY

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Victims Participation and Reparations Section

Mr Phillip Ambach

I. Background

1. On 21 and 22 December 2016, the Trust Fund for Victims (hereinafter referred to as the “Trust Fund”) received two high level representatives of [REDACTED]

[REDACTED] for a series of meetings at the TFV premises in The Hague. Objective of these meetings was to mutually explore whether [REDACTED] could be a potential partner organization in the sense of rule 98 (4) of the Rules of Procedure and Evidence (the “RPE”) in regard of implementing the eventual reparations order in the Bemba case.

2. On 21 December, [REDACTED] representatives met with staff and management of the Trust Fund Secretariat, OTP staff involved in the Bemba case, staff of the OPCV, representatives of Chambers (the head of Chambers and a visiting professional), and staff members of the team of the legal representatives of victims in the Bemba case. On 22 December, a joint meeting with staff of the VPRS and the Registry’s Legal Office took place, followed by a concluding meeting between [REDACTED] delegation and the Trust Fund Secretariat.

3. The meetings provided the forum for an intense exchange and allowed all participants to discuss the opportunities and constraints of administering reparations in the Bemba case in light of the Court’s legal framework, including the prevailing contextual and operational circumstances in the Central African Republic (“CAR”).

II. Reasons for submitting this report to the Trial Chamber

4. The Trust Fund recalls that in its “Observations relevant to reparations” of 31 October 2016, ICC-01/05-01/08-3457, it discussed, as instructed by the Trial Chamber, potentially appropriate types and modalities for reparation awards in the Bemba case. The Trust Fund’s filing included considerations related to applying rule 98 (4) of the RPE.

5. In particular, the Trust Fund submitted that *“from an operational perspective, in order for any organization to be able to successfully deliver the implementation of a rule 98 (4) of the Rules reparations award, the organization must fulfill certain operational and technical requirements, including in the present case an established presence in the Central African Republic which allows it access to all victims of the case who may be deemed eligible to benefit from reparation awards, as well as proven experience of working on providing suitable forms of redress to affected persons e.g. in form of administering medical, psychological, or material rehabilitation programs in a relevant context. (...)”*

5. The Trust Fund further argued *“a rule 98 (4) reparations awards may seem an appropriate option in circumstances where the direct implementation of individual or collective awards would be very challenging for the Court and the Trust Fund. This may be for instance because the Court and the Trust Fund do not have adequate access to all potentially eligible victims or their locations. Such difficulty to access victims may be a direct result of security constraints, which may diminish the Court’s capacity to establish a robust presence in the situation country. (...)”* From a procedural perspective, the Trust Fund observed that rule 98 (4)

of the Rules would require that consultations between various stakeholders take place prior to the Trial Chamber making such an award in the order for reparations.

6. Accordingly, the Trust Fund suggested that it begin consultations in order to determine whether there is a potential suitable organization and that it will update the Trial Chamber on any developments in this regard. However, in its submission of 31 October 2016 the Trust Fund did not name [REDACTED] or any other organization, as potential rule 98 (4) organizations.

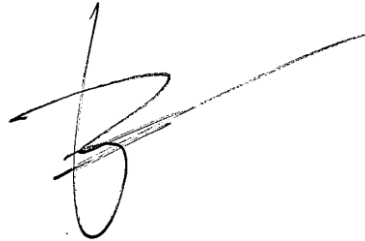
7. In a meeting between the Trial Chamber and the Trust Fund on 25 November 2016, the Trust Fund *inter alia* further elaborated on the option of applying rule 98 (4), announcing the informal meetings with [REDACTED] in consideration of its expertise and operations relevant to the case, and indicating the Trust Fund's intent to report to the Trial Chamber on the insights and outcomes resulting from this meeting.

8. The Trust Fund submits in annex A to this filing a detailed report of the main points discussed during the above mentioned meetings on 21 and 22 December to fulfill this purpose.

9. Furthermore, the Trust Fund submits additional Input received from [REDACTED] in annexes 1 to 4, consisting of documents received from [REDACTED] including overviews over [REDACTED] activities in the CAR and a map of [REDACTED] presence on the ground.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits these observations and the annexed information.



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 1 February 2017

At The Hague, The Netherlands