Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.**: ICC-01/04-01/06**
Date of original: **4 February 2022**
Date of redacted version: **16 March 2022**

TRIAL CHAMBER II

Before: **Judge Chang-ho Chung, Presiding**
Judge Péter Kovács
Judge María del Socorro Flores Liera

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

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public Redacted Version

Sixteenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019

With Confidential *ex parte* Annex A only available to the LRV01, the Trust Fund for Victims and the VPRS and Confidential *ex parte* Annex B only available to the LRV01, the LRV02, the OPCV, the Trust Fund for Victims

Source: **The Trust Fund for Victims**

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

Legal Representatives of Victims V01
Mr Luc Walleyn
Mr Frank Mulenda

Legal Representatives of Victims V02
Ms Carine Bapita Buyanandu
Mr Paul Kabongo Tshibangu
Mr Joseph Keta Orwinyo

The Office of Public Counsel for Victims
Ms Paolina Massidda
Ms Sarah Pellet

Trust Fund for Victims
Mr Pieter de Baan

REGISTRY

Registrar
Mr Peter Lewis

Other
Ms Jelena Vukasinovic

Victims Participation and Reparations Section
Mr Philipp Ambach

I. BACKGROUND

1. Following Trial Chamber II's ("Trial Chamber") decisions of 21 October 2016, 6 April 2017 and 7 February 2019, approving, respectively, the programmatic framework for collective symbolic reparations as submitted by the Trust Fund for Victims ("Trust Fund"), [1] the programmatic framework for the service-based collective reparations as submitted by the Trust Fund,[2] and the Trust Fund's proposal in relation to the process for locating new applicants and determining their eligibility,[3] and recalling its previous progress reports in this regard, the Trust Fund hereby submits its sixteenth progress report.

II. CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified the report as confidential, and its annexes as confidential *ex parte*, as they contain very detailed information related to operational aspects of the on-going implementation of reparations and sensitive information related to victims.

III. RELEVANT PROCEDURAL HISTORY

3. The Trust Fund recalls the procedural history set out in the Fifteenth progress report on the implementation of collective reparations ("Fifteenth progress report") submitted on 21 October 2021.[4]

4. On 2 November 2021, the Legal Representatives V01 ("LRV01")[5] and the Office of Public Counsel for Victims ("OPCV")[6] (all together with the Legal Representatives V02 "the LRVs") submitted their response to the Fifteenth progress report.

[1] Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparation, 21 October 2016, ICC-01/04-01/06-3251.
[2] Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, ICC-01/04-01/06-3289.
[3] Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations, 7 February 2019, ICC-01/04-01/06-3440-Red-tENG.
[4] Fifteenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019 ("Fifteenth progress report"), With Confidential *ex parte* Annex only available to the LRV01, the Trust Fund for Victims and the VPRS, 21 October 2021, ICC-01/04-01/06-3524.
[5] *Réponse des RLV V01 au Quinzième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes*, 2 November 2021, ICC-01/04-01/06-3526.
[6] *Réponse du BCPV au Quinzième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 21 octobre 2021*, 2 November 2021, ICC-01/04-01/06-3525.

5. Upon authorisation from the Trial Chamber,[7] the Trust Fund submitted additional information in relation to the Fifteenth progress report, on 11 November 2021.[8]

6. On 23 November 2021, the Trial Chamber issued the Seventh Decision on the TFV's administrative decisions on applications for reparations and additional matters.[9]

7. On 14 January 2022, the Trust Fund submitted a request to file its Sixteenth progress report latest by 4 February 2022,[10] which the Trial Chamber granted on 20 January 2022.[11]

IV. PROGRESS REPORT

8. The Trust Fund hereby submits its sixteenth progress report, with information on the implementation of the collective reparations awards, as well as on the status of admissibility decisions.

A. Security Situation

9. On 18 December 2021, the state of siege in the provinces of Ituri and North-Kivu was prolonged for the fourteenth time. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. Various armed groups continue to carry out deadly attacks against the Armed Forces of the DRC ("FARDC") and the civilian population. These armed groups are also engaged in fierce battles, fueled by ethnic tensions and attempts to control the mining areas around Mongbwalu and others. Attacks against the civilian population and the FARDC are recorded within 10 km of Bunia. The Trust Fund was informed by a humanitarian organisation that attacks have been orchestrated at a sustained pace in the Djugu territory, including in internally displaced persons (IDP) camps. On 2 February 2022, an IDP camp was attacked in the Djugu territory causing the death of over 40 civilians. Rumours of attacks keep

[7] Email from the Trial Chamber to the Trust Fund and the LRVs on 4 November 2021 at 18.23 in response to Email from the Trust Fund to the Trial Chamber and the LRVs on 4 November 2021 at 16.00.
[8] Information provided pursuant to regulation 28 of the Regulations of the Court in relation to the Trust Fund's "Fifteenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017, 11 November 2021, ICC-01/04-01/06-3527.
[9] Seventh Decision on the TFV's administrative decisions on applications for reparations and additional matters, 23 November 2021, ICC-01/04-01/06-3528.
[10] Trust Fund for Victims' Request to Vary the Time Limit to Submit the Sixteenth progress report on the implementation of collective reparations, 14 January 2022, ICC-01/04-01/06-3529.
[11] Email from the Trial Chamber to the Trust Fund and the LRVs on 20 January 2022 at 13.33.

on contributing to further movements of population. For instance, residents of Saïo, Nzebi, and surrounding areas, had to flee their homes following rumours of an imminent attack.

B. Public Health Situation

10. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable. The Country Office reports a resurgence of new cases. There are no new preventive measures taken by the Congolese government, and those previously established by the government, the UN and the Registry's Occupational Health Unit are still in force and are being respected during all implementation activities.

C. Admissibility Decisions

11. On 6 December 2022, the Trust Fund Board of Directors' focal point in relation to the verification of victims' applications in the *Lubanga* case concluded her mandate. On 20 January, the newly elected Board of Directors met and discussed the designation of focal points, as provided for in Section 5.3 of the Policy on working methods of the Board of Directors of the Trust Fund for Victims (TFV-AP-01-v1.0). The Board of Directors decided to designate Board members Ibrahim Sorie Yillah and Andres Parmas as focal points for reparations and the related admissibility determinations. The focal points distributed the work in a way that Andres Parmas will serve as the primary focal point for admissibility determinations in *Lubanga.*

12. The Trust Fund hereby provides information regarding the eighth transmission of decisions on admissibility as verified by the Board of Directors.

13. During the reporting period, the Trust Fund received three batches of victims' applications from the VPRS, consisting of 336 applications in total.

14. Following verification and adoption of a final list by the Board of Directors, the Trust Fund hereby submits a list of 100 administrative decisions to the Trial Chamber for its approval.[12] In

[12] *See* Annex A.

order to facilitate the Trial Chamber's access to the complete files of all applicants,[13] the Trust Fund will share an Excel table with the VPRS listing all the applicants included in this transmission.

15. To date, out of the 1491 files received from the VPRS since 2019, 450 files are awaiting further processing by the Trust Fund.[14] The Trust Fund issued 1030 admissibility decisions (930 approved by the Trial Chamber and the 100 hereby submitted), all positive. To date, the total number of beneficiaries stands therefore at 1355.[15]

D. Collective Service-Based Reparations

16. During the reporting period, the implementation of collective service-based reparation measures has continued. The Trust Fund notes that several issues reported by beneficiaries are being addressed by the implementing partner, the Trust Fund and the LRVs, and which are reported below.

17. A total of 183 victims are currently benefitting from the activities.

18. As regards psychological rehabilitation, 170 of the 183 beneficiaries are receiving continuous treatment at the designated "*centres d'écoute*". As to the 13 remaining beneficiaries, three are located in the territory of Mambasa which remains inaccessible for the moment, one victim is in [REDACTED] for specialised medical care and nine are not yet available for personal reasons.

19. In relation to physical rehabilitation, 159 of the 183 beneficiaries have been diagnosed as requiring medical care. Such treatment has been provided in the closest location to their area of residence, where the appropriate quality of care can be provided. Beneficiaries requiring more complex treatments are being treated in [REDACTED], depending on their specific medical needs.

20. Regarding socio-economic activities, 166 of the 183 beneficiaries have decided to follow a vocational training in the following areas: 15 as mechanics, 110 in small businesses, 27 in the agro-pastoral area, 6 in hairdressing, 5 in cutting and sewing, 2 in carpentry and 1 in IT. 364

[13] *Ordonnance enjoignant au Fonds au profit des victimes et à la Section de la participation des victimes et des réparations de donner accès à la Chambre aux nouvelles demandes en réparation*, 30 April 2020, ICC-01/04-01/06-3475-Conf ; 20 May 2020 Decision, para. 16.

[14] 12 additional applications collected and transmitted relate to victims that Trial Chamber II had already recognized as beneficiaries.

[15] This includes the 425 applications directly assessed positively by the Trial Chamber and excludes the current batch of 100 administrative decisions pending approval.

dependants are currently benefitting from educational support (primary school - high school - university). In addition, 17 beneficiaries themselves have access to higher education (university - high school).

21. The Trust Fund and the implementing partner aim to include the other beneficiaries into the programme without delay. In that regard, it is recalled that not all beneficiaries belonging to the group found eligible by the Trial Chamber in 2017 have been reached. To date, 233 beneficiaries could not be reached despite involving the LRVs and intermediaries of the LRVs in order to establish contact.

22. Accordingly, the Trust Fund submitted to the implementing partner the list of all victims recognised as beneficiaries as of 23 November 2021. It requested it to proceed to a selection of beneficiaries located in areas where they can intervene expeditiously.

23. On 16 November 2021, the Trust Fund, its implementing partner and the LRVs also agreed that, going forward, the Trust Fund would inform the LRVs about future beneficiaries of reparations whom the implementing partner intends to contact, in order for the LRVs to be able to better accompany their clients in this process. This was considered particularly important by the implementing partner because the beneficiaries belonging to this first group of recognised victims had often not heard updated information for long periods of time before being contacted by the implementing partner. Thus, in accordance with the agreement reached with the LRVs at a meeting held on 16 November 2021, the LRVs' support will be requested to update contact information of those beneficiaries and help establishing a trust relation with the implementing partner to ease the intake and address expectations.

24. In the Fifteenth progress report, the Trust Fund reported about the establishment of a complaint mechanism by the implementing partner, necessitated by the complaints received from beneficiaries.[16] The Trust Fund held a meeting with the LRVs and its implementing partner on 16 November 2021 with a view to providing the LRVs with adequate information pertaining to details on how reparations are being implemented by the Trust Fund's implementing partner and responding to any questions they may have in this respect.

25. In this meeting, the Trust Fund and its implementing partner also gave details to the LRVs concerning the complaint mechanism enabling beneficiaries of reparations to flag any issues they

[16] Fifteenth progress report, para. 25.

may face at any point. The LRVs were invited to actively contribute to the effectiveness of the complaint mechanism by informing beneficiaries of its existence and functioning whenever they receive direct complaints, rather than conveying them to the Trust Fund on a case-by-case basis. The LRVs proposed to provide assistance to COOPI in order to address cases of reluctance on the part of any of their clients.

26. Furthermore, the Trust Fund proposed to the LRVs that, in the event of any potential major issue, the LRVs and the Trust Fund would first jointly seek to find a mutual solution to the extent possible. Since, the Trust Fund is assured that the implementing partner is addressing all complaints in close consultation with the beneficiaries.

27. Major complaints from beneficiaries have concerned the following: all beneficiaries consulted refused to join existing community saving schemes ("MUSOs"); beneficiaries expressed dissatisfaction with the amount allocated to the Income-Generating Activities' ("IGAs") operating account, and with the financial contribution to the cost of transport and subsistence in relation to attending vocational training courses.

28. In addition, the implementing partner faced operational difficulties, for instance: insufficiency of equipment, such as modern prostheses adapted to the physical rehabilitation of very complicated cases, in some of the health centres; absence of mutual health insurance associations in the territories of Mahagi, Aru and Mambasa.

29. The implementing partner continues to deploy efforts in order to sensitise beneficiaries to the benefits of MUSOs as well as mutual health insurance associations, and to find solutions with relevant health centres to provide modern prostheses adapted to physical rehabilitation of very complicated cases.

30. In relation to IGAs and costs (subsistence allowance), beneficiaries had first expressed their dissatisfaction to the implementing partner through the complaint mechanism. Beneficiaries who started to receive socio-economic measures in Bunia persisted in their complaints, partly due to a misunderstanding spread through a rumoured misinformation about the amount that beneficiaries are entitled to. They addressed the Country Office, the Trust Fund and the LRVs as a group via WhatsApp and other media. A number of beneficiaries residing in Bunia decided not to attend the training programme, pending the resolution of these two matters to their satisfaction.

31. In relation to the costs of transport and subsistence during vocational training, the implementing partner adjusted, in coordination with the Trust Fund, the amount provided to beneficiaries, starting as of January 2022, for all beneficiaries in the programme. The implementing partner reported immediate satisfaction from beneficiaries and will keep monitoring their satisfaction.

32. As to IGAs, the implementing partner has proposed the Trust Fund to re-evaluate the amount allocated to the IGAs' operating account. The Trust Fund and the implementing partner are reviewing the programme budget of the first and second year to see whether and how this recommendation can be accommodated. Once this is resolved, the Trust Fund will inform the LRVs to establish a common line of communication to their clients on this matter. The Trust Fund will inform the Trial Chamber of any progress made in this respect in its next progress report.

33. As the LRVs got very concerned by the complaints of the beneficiaries in January 2022, and did not feel that they had sufficient information to provide their clients directly with answers, they asked for meetings, put their questions to the Trust Fund in writing, asked for the development of common lines of communication and raised with the Trust Fund specific, individual cases seeking clarification.

34. The Trust Fund and the implementing partner were able to clarify immediately all specific, individual cases. This illustrates that the implementing partner has acted fully within the scope of the programme and with care and full attention to the concerns of each of the beneficiaries.

35. The Trust Fund uses this report to provide information in detail about the series of meetings it held with the LRVs to address the written complaints of beneficiaries, in addition to having provided them with further information in writing, stressing that this information is not meant for the beneficiaries but for the attention of the LRVs only.

Meeting between the Trust Fund and the OPCV on 12 January 2022

36. Following the OPCV's receipt of letters containing complaints made by a number of its clients pertaining to the implementation of reparations by the Trust Fund's implementing partner, the Trust Fund held a meeting with the OPCV on 12 January 2022. In the meeting, the Trust Fund committed to contact the implementing partner and ensure all appropriate measures are taken to solve the issues raised by said clients as soon as possible, with a particular emphasis on those considered to require the most urgent actions to be taken. Furthermore, the Trust Fund also

responded to the OPCV's questions, gave additional details pertaining to aspects that had been considered as problematic by some of its clients and agreed with the OPCV that the OPCV would send their questions following this meeting and share them with the other LRVs before a next meeting, scheduled for 17 January 2022.

37. The Trust Fund indicated that it was already discussing with its implementing partner a potential revision of some aspects that had been considered to be the most problematic by the beneficiaries of reparations, in particular the amount of cash provided to beneficiaries when starting the IGAs.

38. In addition to this, it was also reiterated that, as also agreed during the meeting held on 16 November 2021, the Trust Fund would transmit to the OPCV details of future beneficiaries of reparations whom its implementing partner wishes to contact before proceeding to it itself.

39. Finally, during this meeting, and by reference to the OPCV's filings to the Trial Chamber of autumn 2021, the Trust Fund also informed the OPCV that, given the lack of organisations in Ituri that could search for specific missing persons, it currently considers to implement the modalities for the search for missing persons through a contractor who would be requested to investigate the missing former child soldiers for a specific time period (e.g. six to nine months). However, it is only efficient to do so once the list of beneficiaries (former child soldiers) of both cases, *Lubanga* and *Ntaganda*, is more complete, and it is only possible to do so once the security situation in Ituri considerably improves. The Trust Fund stressed that the successful outcome of this action cannot be guaranteed. The OPCV expressed that it may be possible that their clients may no longer be interested in this modality, once it can be enacted. The Trust Fund will revert to this matter, once the two above-mentioned conditions are fulfilled.

Meeting between the Trust Fund, the OPCV, the LRV01 and the LRV02 on 17 January 2022, and follow-up

40. On 17 January 2022, the OPCV sent to the Trust Fund, and to all other LRVs, the promised list of questions it requested the Trust Fund to address. The Trust Fund held a meeting with the LRVs on the same day. The meeting was meant for the LRVs to voice their concerns and requests, as set out above in paragraph 34.

41. The Trust Fund directly responded to key questions and provided the LRVs with additional details on the reparations currently being implemented by its implementing partner. The Trust Fund

underlined the need for the LRVs to encourage their clients to take advantage of the complaint mechanism set up by its implementing partner under its supervision.

42. The Trust Fund further undertook to respond in writing to the questions sent by the OPCV. This response was sent on 26 January 2022.[17]

43. The Trust Fund agreed to hold a meeting directly with the beneficiaries, the relevant LRVs and the implementing partner to address the specific cases referred to them by the LRVs. As the implementing partner had treated all those cases correctly and with diligence and care, such meetings were subsequently not found to be required.

44. The Trust Fund agreed to organise a subsequent meeting with the LRVs and its implementing partner in order to clarify any remaining issues of a more general nature and to seek to develop mutual lines of communication, as also requested by the LRVs.

45. This meeting took place on 2 February 2022. Before that, on 31 January 2022, the LRVs, based on information they received from their beneficiaries about the rise in the monthly subsistence allowance, requested urgently such a meeting to be held. On 1 February 2022, the Trust Fund communicated to the LRVs details relevant to the information received by the LRVs and in particular that the rise in the monthly subsistence allowance had been equally applied to all beneficiaries in the programme.

46. On 24 January 2022, the LRV01 also sent a list of questions to the Trust Fund, in part similar to those sent by the OPCV. The Trust Fund will send its response shortly.

Meeting between the Trust Fund, the OPCV, the LRV01, the LRV02 and the Trust Fund's implementing partner on 2 February 2022

47. The Trust Fund held a meeting with the OPCV, the LRV01, the LRV02 and the Trust Fund's implementing partner with a view to providing them with first-hand information from the implementing partner about the implementation of the programme.

48. At this meeting, the Trust Fund, its implementing partner and the LRVs analysed together that the dissatisfaction of the beneficiaries (mainly a group in Bunia) seems to have two main sources.

[17] *See* Annex B.

49. First, these beneficiaries had been requested many years ago by the LRVs to express what kind of reparations they wished to receive. It appears that this conversation has led to the beneficiaries' expectation that they would actually receive such kind of reparations, although the LRVs had deployed efforts to manage expectations. In that respect, it was agreed by the Trust Fund and the LRVs that it is very important that the LRVs speak to those beneficiaries before their intake by the implementing partner, in order to manage their expectations. The Trust Fund stressed that, after the intake, the main relationship should be between the implementing partner and the beneficiary. The beneficiaries should be guided to the complaint mechanism to avoid complex lines of communication, prone to giving rise to misunderstandings and misinformation between beneficiaries, LRVs, the Trust Fund and the implementing partner. The complaint mechanism allows the Trust Fund to monitor how the implementing partner is addressing each specific complaint.

50. The second source of victim dissatisfaction, as set out above, seems to have been a misunderstanding about the amount of the subsistence allowance, and its modality of application. Therefore, as already agreed before, the Trust Fund confirmed its readiness once more to communicate its proposition of common messages to be addressed to beneficiaries of reparations to the LRVs. It committed to do so shortly and to hold a meeting on those messages with the LRVs thereafter without delay.

51. Additionally, the Trust Fund also reiterated that each issue thus pointed out will receive an adequate response and emphasised the importance of cooperation between all actors here concerned, in the best interest of all beneficiaries.

52. On a separate note, the LRVs have addressed the need to ensure that victims may be regrouped, be it by way of incentives, to proceed to collective IGAs. Recalling that the Scope of Work and the Proposal both provide for this, the Trust Fund and the implementing partner noted that so far no victims have accepted to proceed to IGAs collectively, despite repeated sensitisation on its beneficial character.

53. The Trust Fund considers that latest after this meeting, the LRVs should have full clarity as to the scope of the programme, the steps taken by the implementing partner in relation to the IGAs and the amount of the subsistence allowance. The LRVs have also understood that the

implementing partner proposed to raise the sum provided to beneficiaries to start an IGA and that this is a matter of discussion between the implementing partner and the Trust Fund.

E. Symbolic Reparations

54. The contract with the selected implementing partner has been signed on 1 November 2021 and entered into force. A first installment has been transferred in December 2021.

55. The implementing partner has hired the relevant staff required to supervise the implementation of activities and proceeded to preliminary tasks necessary to submit an implementation plan to the Trust Fund. Accordingly, the staff recruited was trained and familiarised with the *Lubanga* case and symbolic reparations; the implementing partner has (i) been studying more in depth the current context of the project's areas of intervention in order to prevent its activities from being a source of tension/conflict within the beneficiary communities; (ii) started liaising with the local community-based organisations to seek their support in the course of the implementation; (iii) worked to update costs related to the project components as part of the implementation plan they need to present to the Trust Fund.

56. The security situation has hampered their efforts in relation to Djugu-located localities. Traveling to localities such as [REDACTED] has also been more difficult for them during the reporting period.

57. In the course of the month of February, the implementing partner will have to finalise preparatory activities and is meant to provide the Trust Fund with an implementation plan and a concrete timeline. The relevant information will be shared by way of e-mail with the LRVs and by way of the next progress report with the Trial Chamber. Thereafter, the Trust Fund plans to organise a meeting with the implementing partner and the LRVs in order to ensure a proper understanding of all actors in relation to the implementation. Once the dates of consultations are set, the LRVs' support will be requested to ensure that the victims may participate as mentioned in the Ninth progress report on the implementation of collective reparations.[18]

[18] Annex A to *Neuvième rapport sur le progrès de la mise en œuvre des réparations collectives conformément aux ordonnances de la Chambre de première instance II des 21 octobre 2016 (ICC-01/04-01/06-3251) et 6 avril 2017 (ICC-01/04-01/06-3289) et la Décision du 7 février 2019 (ICC-01/04-01/06-3440-Red)*, 21 April 2020, ICC-01/04-01/06-3474-AnxA-Red.

F. Deceased Beneficiaries

58. In its last report, the Trust Fund indicated that it would ensure, with the help of its implementing partner and the LRVs, if necessary, that a proof of death certificate is collected and that beneficiaries' heirs can benefit from measures that are transferable to them.[19] In light of its 16 November meeting with the LRVs, the Trust Fund kindly submits the following proposal in relation to deceased beneficiaries. The Trust Fund does not consider it viable that a resumption of action is introduced before the Trial Chamber each time a (potential) beneficiary is deceased. The Trust Fund proposes that, while applying the relevant legal framework,[20] succession is handled through the analysis of the documentation required to show that a person has died and who in his or her family is the successor (one person). In the interest of judicial economy and efficiency, such documentation should be provided to the Trust Fund and LRVs, as applicable, to accept the proposed succession. The Trust Fund will keep a register of such occurrences.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to take note of the present report.

Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,

Dated this 16th of March 2022

Date of the original: 4 February 2022

At The Hague, The Netherlands

[19] Fifteenth progress report, para. 20.
[20] *See*, for instance, *Prosecutor v. Germain Katanga*, Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0217/09, 18 November 2021, ICC-01/04-01/07-3892, para. 5.