

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

No.: ICC-01/04-01/07
Date: 20 November 2019

TRIAL CHAMBER II

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Confidential

**Order Directing the Legal Representatives of Victims to File Observations on the
Submissions of the Trust Fund for Victims of 18 November 2019**

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

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

Counsel for the Defence of Germain

Katanga

Mr David Hooper

Ms Caroline Buisman

Office of Public Counsel for Victims

Ms Paolina Massidda

Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

Victims Participation and Reparations

Section

TRIAL CHAMBER II (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Germain Katanga*, issues the following order.

1. On 24 March 2017, the Chamber handed down the “Order for Reparations pursuant to Article 75 of the Statute” (“Order for Reparations”).¹ In that order, the Chamber analysed the 341 dossiers, transmitted to it by the Registry, of individuals claiming to be victims of the crimes of which Germain Katanga (“Mr Katanga”) was convicted.² The Chamber found that, of those 341 individuals, 297 had shown on a balance of probabilities that they suffered harm as a result of the crimes of which Mr Katanga was convicted.³ Accordingly, the Chamber determined that those persons should be awarded the individual and collective reparations approved by the Chamber in the present case.⁴

2. On 12 October 2017, the Chamber handed down its “Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations”.⁵

3. On 5 August 2019, the Chamber approved the implementation of collective reparations relating to the purchase of livestock, a number of income-generating activities and education assistance.⁶

¹ “Order for Reparations pursuant to Article 75 of the Statute”, 24 March 2017, ICC-01/04-01/07-3728-tENG, with one public annex (Annex I) and one confidential annex *ex parte* Common Legal Representative of the Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II).

² Order for Reparations, paras. 64-180.

³ Order for Reparations, para. 168.

⁴ Order for Reparations, paras. 281-295.

⁵ “Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations”, 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG.

⁶ Email from the Chamber on 5 August at 10.32. See, in that regard, “Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims”, 26 July 2019, ICC-01/04-01/07-3836-Conf, with two annexes; “Réponse du Représentant légal à la demande d’approbation formulée dans le rapport du Fonds au profit des victimes du 26 juillet 2019 (ICC-01/04-01/07-3836-Conf, § 45 et 46)”, 2 August 2019, ICC-01/04-01/07-3837-Conf; and “Observations concernant le ‘Update report on

4. On 18 November 2019, the Trust Fund filed an update report on the implementation of the collective reparations (“Report of 18 November 2019”).⁷ The Trust Fund also included in its submissions a request that the Chamber approve a proposal relating to the implementation of an income-generating activity in respect of the purchase of fish (“Request of 18 November 2019”).⁸

5. Before making a ruling, the Chamber sees fit to direct the Legal Representative of Victims and the Office of Public Counsel for Victims (“OPCV”) to file observations on the Request of 18 November 2019 and, in particular, on paragraph 32 thereof.

the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims”, 2 August 2019, ICC-01/04-01/07-3838-Conf.

⁷ “Update report on the implementation of the income generating activities modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of one proposed alternative implementation modality”, 19 November 2019, ICC-01/04-01/07-3843-Conf.

⁸ Report of 19 November 2019, paras. 24-33.

FOR THESE REASONS, the Chamber

DIRECTS the Legal Representative of Victims and the OPCV to file observations by 26 November 2019 on the Request of 18 November 2019 and, in particular, on paragraph 32 thereof.

Done in both English and French, the French version being authoritative.

[signed]

Judge Marc Perrin de Brichambaut
Presiding Judge

[signed]

Judge Olga Herrera Carbuccion

[signed]

Judge Péter Kovács

Dated this 20 November 2019,
At The Hague, Netherlands