

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-01/07**

Date: **23 May 2024**

TRIAL CHAMBER II

Before:

**Judge María del Socorro Flores Liera, Presiding Judge
Judge Kimberly Prost
Judge Nicolas Guillou**

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. GERMAIN KATANGA

Public

Order on the mandate of the Legal Representative of Victims

Order to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:**Office of the Prosecutor****Counsel for the Defence**

Mr David Hooper

Ms Caroline Buisman

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

The Office of Public Counsel for Victims

Ms Paolina Massidda

Unrepresented Victims**Unrepresented Applicants for
Participation/Reparation****States Representatives****Trust Fund for Victims**

Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Juan Escudero

Victims and Witnesses Unit**Detention Section****Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Germain Katanga*, issues this ‘Order on the mandate of the Legal Representative of Victims’.

1. On 7 March 2014, the Chamber, in a prior composition, issued the Judgment pursuant to article 74 of the Statute.¹
2. On 24 March 2017, the Chamber, in a prior composition, issued the Order for Reparations pursuant to article 75 of the Statute (‘Reparations Order’), awarding reparations to 297 victims. The reparations consisted of a symbolic individual compensation and collective reparations, in the form of psychological support and support for housing, income-generating activities and education.²
3. On 8 March 2018, the Appeals Chamber issued the Judgment on the appeals against the Reparation Order, and confirmed, for the most part, the Reparations Order.³
4. On 19 October 2023, the Trust Fund for Victims (‘TFV’) reported that the implementation of reparations in the present case concluded on 6 October 2023.⁴
5. On 19 April 2024, the TFV submitted its Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (the ‘Sixteenth Report’).⁵ In the Report, the TFV noted that it was in the process of finalising the final report on the implementation of psychological support.⁶ The TFV further reported that it has commissioned an independent evaluation of the reparations programme, which will be ‘presented to the Trial Chamber after its finalisation, expected later this year’.⁷
6. On 24 April 2024, the TFV held a closing ceremony for the reparations programme in Bunia, the Democratic Republic of the Congo.⁸

¹ Judgment pursuant to article 74 of the Statute, 7 March 2014, [ICC-01/04-01/07-3436-tENG](#).

² Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#).

³ Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute”, 8 March 2018, [ICC-01/04-01/07-3778-Red](#).

⁴ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916-Conf](#), para. 6.

⁵ Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, [ICC-01/04-01/07-3922](#).

⁶ Sixteenth Report, [ICC-01/04-01/07-3922](#), para. 14.

⁷ Sixteenth Report, [ICC-01/04-01/07-3922](#), para. 15.

⁸ Email from the TFV, 30 April 2024, at 11:38.

7. On 7 May 2024, the Legal Representative of Victims ('LRV') filed the *Requête du Représentant légal relative à la clôture de l'affaire* ('LRV Request').⁹ In this Request, the LRV requested that the Chamber issue a decision closing the present case and thereby end the LRV's mandate.¹⁰
8. The Chamber finds that it is premature to close the reparations proceedings in this case as two TFV reports remain outstanding.¹¹ The Chamber recalls, however, that the judicial stage of the reparations proceeding and the implementation of reparations has concluded and the closing ceremony has been held. Thus, consistent with the Court's jurisprudence,¹² the Chamber considers that the LRV's intervention is no longer required in the present proceedings.
9. Notwithstanding the above, the Chamber underscores that, as part of its oversight function, it may request the intervention of the Office of the Public Counsel for Victims, should the Chamber deem it necessary for the protection of the rights and interests of the victims prior to the official closing of the reparations proceedings in this case.¹³

FOR THESE REASONS, THE CHAMBER HEREBY

DECLARES that the mandate of the Legal Representative of Victims has ended; and

INSTRUCTS the TFV to advise the Chamber within 5 days of notification of this filing as to the date it anticipates submitting its outstanding reports.

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

⁹ Requête du Représentant légal relative à la clôture de l'affaire ('LRV Request'), 7 May 2024, [ICC-01/04-01/07-3924](#).

¹⁰ LRV Request, [ICC-01/04-01/07-3924](#), para. 25.

¹¹ Sixteenth Report, [ICC-01/04-01/07-3922](#), paras 12, 15.

¹² Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on the TFV's twenty-ninth update report on the updated implementation plan including report on the finalisation of individual reparations ('Al Mahdi Decision on 29th Report'), 11 December 2023, [ICC-01/12-01/15-470-Red](#), para. 30.

¹³ Trial Chamber II, *The Prosecutor v. Thomas Lubanga Dyilo*, Twelfth Decision on the TFV's administrative decisions on applications for reparations and additional matters, 30 August 2023, [ICC-01/04-01/06-3558-Red](#), para. 19; Al Mahdi Decision on 29th Report, [ICC-01/12-01/15-470-Red](#), para. 31.



Judge María del Socorro Flores Liera, Presiding Judge



Judge Kimberly Prost



Judge Nicolas Guillou

Dated 23 May 2024

At The Hague, The Netherlands