

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **30 January 2025**

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

Decision on the conclusion of the reparations proceedings

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

☐ **The Office of the Prosecutor**

☐ **Counsel for the Defence**

☐ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **The Office of Public Counsel for
Victims**

☐ **The Office of Public Counsel for the
Defence**

☐ **States' Representatives**

☒ **Trust Fund for Victims**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations
Section**

☒ **Public Information and Outreach
Section**

Trial Chamber II (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Germain Katanga*, having regard to articles 64(6)(f) and 75 of the Rome Statute (the ‘Statute’), rule 96 of the Rules of Procedure and Evidence (the ‘Rules’), regulation 23 *bis* of the Regulations of the Court (the ‘Regulations’) and regulation 58 of the Regulations of the Trust Fund for Victims issues this ‘Decision on the conclusion of the reparations proceedings and procedural matters’.

1. On 7 March 2014, the Chamber, in a prior composition, issued the Judgment pursuant to article 74 of the Statute.¹
2. On 23 May 2014, the Chamber, in a prior composition, issued the Decision on Sentence pursuant to article 76 of the Statute.²
3. On 24 March 2017, the Chamber, in a prior composition, issued the Order for Reparations pursuant to article 75 of the Statute (the ‘Reparations Order’), awarding reparations to 297 victims.³ The reparations consisted of a symbolic individual compensation and collective reparations, in the form of support for housing, income-generating activities, education, and psychological care.⁴
4. On 19 October 2023, the TFCV reported that the implementation of reparations had concluded on 6 October 2023.⁵ On 11 June 2024, the Single Judge of the Chamber issued the Decision on the Trust Fund for Victims’ Submission pursuant to the Order on the Mandate of Legal Representative of Victims, whereby the Chamber took note of the TFCV’s intention to submit its final narrative and financial report by 2 December 2024.⁶
5. On 24 April 2024, a symbolic closing ceremony was held in Bunia in the Ituri Province of the DRC.⁷ According to the TFCV, more than 200 of the 297 reparations beneficiaries were present at the ceremony, as well as their legal representatives, representatives of the community of Bogoro and of other communities, international organisations, TFCV partner

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

² Decision on Sentence pursuant to article 76 of the Statute, 23 May 2014, [ICC-01/04-01/07-3484-tENG](#).

³ Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 168.

⁴ Reparations Order, [ICC-01/04-01/07-3728-tENG](#), para. 306.

⁵ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (the ‘Fourteenth Report’), 19 October 2023, [ICC-01/04-01/07-3916-Conf](#), para. 6.

⁶ Decision on the Trust Fund for Victims’ Submission pursuant to the Order on the mandate of the Legal Representative of Victims, 11 June 2024, [ICC-01/04-01/07-3932](#), p. 3.

⁷ Seventeenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, with Confidential *Ex Parte* Annex I only available to the Trust Fund for Victims (‘Seventeenth Report’), 19 July 2024, [ICC-01/04-01/07-3933](#), para. 27.

organisations, authorities from the DRC, representatives from Belgium, the European Union, Germany, the Netherlands, Senegal and representatives from the International Criminal Court.⁸

6. On 19 July 2024, the TFV filed its last quarterly update report,⁹ which included Annex I, the final evaluation report on the implementation of psychological support, issued by the expert psychologist.¹⁰
7. On 2 December 2024, the TFV submitted its ‘Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims’ (the ‘Final Report’).¹¹ Together with the Final Report, the TFV submitted: (i) a narrative report, which provides an overview of the reparations proceedings and implementation in the *Katanga* case;¹² (ii) a financial report, which provides an overview of the financing of the reparations programme;¹³ and (iii) an evaluation report from the University of Edinburgh commissioned by the TFV (the ‘Evaluation Report’).¹⁴
8. The Chamber notes, with appreciation the Final Report, detailing all aspects of the Katanga reparations programme and commends the TFV for delivering the victims’ reparations in often challenging conditions, including conflict in Ituri Province, the Ebola epidemic, and the COVID-19 pandemic.¹⁵
9. The Chamber welcomes the Evaluation Report conducted by the University of Edinburgh as a valuable resource for assessing both the effectiveness of the reparations’

⁸ Seventeenth Report, [ICC-01/04-01/07-3933](#), paras 17, 31-32.

⁹ Seventeenth Report, [ICC-01/04-01/07-3933](#).

¹⁰ Annex I rapport d’expertise de l’intervention psychologique dans le cadre de la réparation au profit des victimes dans l’affaire Katanga, 19 July 2024, ICC-01/04-01/07-3933-Conf-Exp-Anx.

¹¹ Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with public Annexes A and C and confidential Annex B (‘Final Report’), 2 December 2024, [ICC-01/04-01/07-3934](#); Annex A Final Narrative Report of the Trust Fund for Victims on the implementation of reparations awarded to the victims of the crimes for which Mr Germain Katanga has been convicted by the International Criminal Court (‘Annex A’), 2 December 2024, [ICC-01/04-01/07-3934-AnxA](#); Annex B Final Financial Report of the Trust Fund for Victims on the implementation of reparations awarded to the victims of the crimes for which Mr Germain Katanga has been convicted by the International Criminal Court (‘Annex B’), 2 December 2024, ICC-01/04-01/07-3934-Conf-AnxB, public redacted version filed on the same date, [ICC-01/04-01/07-3934-AnxB-Red](#); Annex C Evaluation of the effects of the Reparations Ordered by the International Criminal Court and Implemented by the Trust Fund for Victims in the case of The Prosecutor against Germain Katanga (‘Annex C’), 2 December 2024, [ICC-01/04-01/07-3934-AnxC](#).

¹² Annex A, [ICC-01/04-01/07-3934-AnxA](#).

¹³ Annex B, [ICC-01/04-01/07-3934-AnxB-Red](#).

¹⁴ Annex C, [ICC-01/04-01/07-3934-AnxC](#).

¹⁵ Final Report, [ICC-01/04-01/07-3934](#), para. 14.

implementation and its impact on the lives of the victims.¹⁶ The Chamber considers that the report provides insights into the implementation process which may be useful for ongoing and future reparations programmes.

10. The Chamber notes, however, that the reports presented to date do not consider the efficiency and effectiveness of the administrative processes associated with the implementation of reparations in the case. The Chamber considers that an evaluation of the processes utilized by the TFV in the implementation of reparations in this case may help improve future reparation programmes. In this context, mindful of the powers of the Chamber and noting that the Independent Oversight Mechanism may be equipped to engage in such an analysis,¹⁷ it encourages the Registrar as Head of Organ and/or the Head of the TFV to consider the possibility of an evaluation of this kind.
11. The Chamber recognizes the contributions made by the Legal Representative of Victims, the Legal Representative of Victims of the Office of Public Counsel for Victims and the Registry during the implementation of the reparations as well as the funding provided by the States of the Netherlands, the Federal Republic of Germany, the Republic of Ireland¹⁸ and, the cooperation of the Democratic Republic of the Congo.¹⁹
12. The Chamber expresses its appreciation to the victims and recognises their commitment to the reparations programme. The Chamber considers that the victims' valuable feedback can be relied upon to ensure that ongoing and future reparations programmes best serve victims.
13. Considering that the implementation of reparations in the present case has concluded,²⁰ and the TFV has submitted its final narrative and financial report to the Chamber, in accordance with regulation 58 of the Regulations of the TFV, the Chamber finds that the reparations proceedings have concluded.²¹

¹⁶ Final Report, [ICC-01/04-01/07-3934](#), para. 17; Annex C, [ICC-01/04-01/07-3934-AnxC](#).

¹⁷ See ICC, Assembly of State Parties, Establishment of an independent oversight mechanism, 7th plenary meeting, 26 November 2009, Annex to [Resolution ICC-ASP/8/Res.1](#); ICC, Assembly of State Parties, Operational mandate of the Independent Oversight Mechanism. 4th plenary meeting, 16 December 2020, Annex II to [Resolution ICC-ASP/19/Res.6](#).

¹⁸ Annex B, [ICC-01/04-01/07-3934-AnxB-Red](#), para. 26.

¹⁹ Seventeenth Report, [ICC-01/04-01/07-3933](#), paras 24, 26, 30, 33.

²⁰ Fourteenth Report, ICC-01/04-01/07-3916-Conf, para. 6.

²¹ The Chamber notes that procedural decisions related to reclassification or the public redacted versions of documents will still be issued.

14. The Chamber notes that while the TFV complemented the reparations award pursuant to the Reparation Order,²² Mr Katanga remains liable to reimburse the TFV should his circumstances change,²³ despite the conclusion of reparations proceedings. The Chamber respectfully reminds the Presidency of its duty to periodically monitor Mr Katanga's financial situation and take appropriate measure as needed.²⁴
15. Lastly, pursuant to rule 96 of the Rules and regulation 23 *bis* of the Regulations, the Chamber instructs the Registry to reclassify ICC-01/04-01/07-3916²⁵ as public.²⁶ The Chamber further orders the Registry and the TFV to review their filings in light of the conclusion of reparations proceedings. Should they consider that previously confidential information can be made public at this time, they are ordered to either file lesser redacted versions into the record of the case or to request reclassification.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the reclassification of ICC-01/04-01/07-3916 as public;

ORDERS the Registry and the TFV to review their filings in light of the conclusion of reparations proceedings and either file lesser redacted versions into the record of the case or request reclassification;

TAKES NOTE of the final report submitted by the TFV indicating that the implementation of reparations in this case have concluded; and

FINDS that the reparations proceedings have concluded.

²² See Reparations Order, [ICC-01/04-01/07-3728-tENG](#), paras 330-342; Notification pursuant to regulation 56 of the TFV Regulations regarding the Trust Fund Board of Director's decision relevant to complementing the payment of the individual and collective reparations awards as requested by Trial Chamber II in its 24 March 2017 order for reparations, 17 May 2017, [ICC-01/04-01/07-3740](#), para. 48.

²³ The Appeals Chamber, Judgment on the appeals against the "Decision establishing the principles and procedures to be applied to reparations" of 7 August 2012 with amended order for reparation, 3 March 2015, [ICC-01/04-01/06-3129](#), para. 5.

²⁴ Regulation 117 of the Regulations. See Prosecutor v. Ongwen, Reparation Order, 28 February 2024, [ICC-02/04-01/15-2074](#), para. 816.

²⁵ 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.

²⁶ See Final Report, [ICC-01/04-01/07-3934](#), para. 6.

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



Judge María del Socorro Flores Liera, Presiding Judge



Judge Kimberly Prost



Judge Nicolas Guillou

Dated 30 January 2025

At The Hague, The Netherlands.