

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **24 May 2017**

TRIAL CHAMBER II

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

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

Confidential

***EX PARTE*, only available to the Chamber, the Trust Fund for Victims, the Legal Representative of Victims and the Office of Public Counsel for Victims**

With One Confidential Annex

***EX PARTE*, only available to the Chamber, the Trust Fund for Victims and the Legal Representative of Victims**

Registry Transmission to the Trust Fund for Victims of Updated Information on 283 Victims

Source: Registry

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

to:

Office of the Prosecutor

Counsel for the Defence

Legal Representative of Victims

Legal Representatives of Applicants

Mr Fidel Nsita Luvengika

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

Ms Paolina Massidda

States' Representatives

Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Herman von Hebel

Victims Participation and Reparations

Section

Mr Philipp Ambach

I. Introduction

1. The Registry hereby transmits to the Trust Fund for Victims ("Trust Fund") a table containing updated information on the 283 victims represented by the Legal Representative of Victims who were recognised – together with 14 additional applicants represented by the Office of Public Counsel for Victims ("OPCV") - as reparations beneficiaries by Trial Chamber II ("Chamber") in its Order for reparations issued on 24 March 2017 ("Order for reparations")¹ in the case of *The Prosecutor v. Germain Katanga*.

II. Procedural History

2. On 24 March 2017, alongside its Order for reparations, the Chamber issued a second order directing *inter alia* the Legal Representative of Victims and the OPCV to contact the victims recognised by the Chamber as reparations beneficiaries in order to obtain their informed consent for the disclosure to the Trust Fund of confidential information extracted from the victims' files ("Second Order").² In its Second Order, The Chamber moreover specified that as soon as the victims' consent would be obtained, the Registry would have to transmit the victims' files and their contact details to the Trust Fund.³
3. On 13 April 2017, the Trust Fund requested the Chamber to order the Victims Participation and Reparations Section ("VPRS") to provide this updated information in a format that would be more suitable for the Trust Fund to

¹ Trial Chamber II, « Ordonnance de réparation en vertu de l'article 75 du Statut », 24 March 2017, ICC-01/04-01/07-3728 (for a list of victims and applicants recognised as reparations beneficiaries, see Annex II pp. 1005-1015).

² Trial Chamber II, « Ordonnance enjoignant aux parties de soumettre des propositions d'expurgations et aux victimes de donner leur consentement à la communication au Fonds au profit des victimes de leurs coordonnées », 24 March 2017, ICC-01/04-01/07-3729, para. 4.

³ *Ibid.*

manipulate and export the data as needed for programme design purposes (“Trust Fund request of 13 April 2017”).⁴

4. On 24 April 2017, the Legal Representative of Victims provided the Trust Fund with a table containing pertinent information for the purpose of reparations per victim of all 283 individuals represented by the Legal Representative of Victims.⁵
5. On 10 May 2017, the OPCV informed the VPRS that six of the 14 additional applicants represented by the OPCV consented to their file being transmitted to the Trust Fund for the purpose of consultation and participation in future reparations projects.⁶ The VPRS provided relevant access to the Trust Fund on the same day.
6. In light of the Trust Fund’s need for additional fields of information per victim as well as a more suitable format to group, extract and process relevant information, the VPRS transformed relevant tables previously transmitted in Word format⁷ into one singular updated Excel table which is attached as an annex to the present filing.⁸ This table also incorporates updated information on the date of birth and address of the victims received from the Legal Representative of Victims on 18 May 2017.⁹

⁴ Trust Fund for Victims, “Request for an order to VPRS for purpose of assisting the Trust Fund with the development of its draft implementation plan”, 13 April 2017, ICC-01/04-01/07-3731-Conf-Exp, para. 1.

⁵ Legal Representative of Victims, « Annexe confidentielle *ex parte* réservée uniquement au Représentant légal et au Fonds au profit des victimes », ICC-01/04-01/07-3733-Conf-Exp-Anx, 24 April 2017, attached to the « Transmission des tableaux récapitulatifs de préjudice des victimes bénéficiant des réparations », ICC-01/04-01/07-3733, dated 19 April 2017 and filed on 24 April 2017. The document was filed confidential *ex parte* excluding VPRS. The latter received access to the annex following the Legal Representative of Victims’ and the Chamber’s approval on 18 May 2017.

⁶ Email of 10 May 2017, 09:29h.

⁷ By email of 10 May 2017 (12:37h), VPRS provided a number of tables with some of the requested victim-related data in Word format to the Trust Fund, after receiving the Legal Representative of Victims’ authorisation to do so on the same day (by email of 10 May 2017, 10:40h).

⁸ The Trust Fund had specified in correspondence with the VPRS that the required format of the updated victim chart is indeed Excel.

⁹ Email of CMS of 18 May 2017, 11:20h, granting VPRS access to ICC-01/04-01/07-3733-Conf-Exp-Anx.

III. Classification

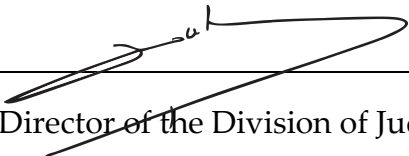
7. Pursuant to regulation 23bis(2) of the Regulations of the Court, the present document is classified as “confidential *ex parte*, only available to the Chamber, the Trust Fund for Victims, the Legal Representative of Victims and the Office of Public Counsel for Victims” to follow the classification of the Trust Fund request of 13 April 2017.
8. Pursuant to regulation 23bis(2) of the Regulations of the Court, the annex to the present document is classified as “confidential *ex parte*, only available to the Chamber, the Trust Fund and the Legal Representative of the Victims”, because it contains confidential information that would lead to the identification of victims.

IV. Applicable Law

9. The Registry submits the present filing in accordance with the Second Order and regulation 118(1) of the Regulations of the Registry.

V. Submission

10. The Registry thus hereby transmits to the Trust Fund the annex in original confidential *ex parte* version.



Marc Dubuisson, Director of the Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 24 May 2017

At The Hague, The Netherlands