

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date of original: **30 April 2021**

Date of public redacted version:
22 June 2021

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. GERMAIN KATANGA

PUBLIC REDACTED VERSION

**Joint submission on the housing assistance modality
with
Confidential Annex A**

Source : The Trust Fund for Victims
Me Fidel Nsita Luvengika, Legal Representative of Victims

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

The Office of the Prosecutor

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The Trust Fund for Victims

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States Representatives

REGISTRY

Registrar

Mr Peter Lewis

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

I. BACKGROUND

1. On 19 October 2020, the Trust for Victims (“Trust Fund”) submitted its second quarterly update report, in which it requested Trial Chamber II’s (“Trial Chamber”) approval of a proposed alternative method of implementation of the housing assistance modality (“Housing Assistance Request”).¹

2. On 2 November 2020, the legal representative of victims (“LRV”) submitted his observations on the Housing Assistance Request, in which he requested the Trial Chamber to first be allowed to conduct effective consultations with his clients before such a change in modalities be approved by the Trial Chamber.²

3. On 10 December 2020, the Trial Chamber, taking into account the LRV’s request, issued an order instructing the LRV to submit new observations on the Trust Fund’s Housing Assistance Request, after consultation with his clients, on 1 February 2021 at the latest.³

4. On 14 January 2021, the LRV submitted a request for the Trial Chamber to: (i) instruct the Registry to find alternative measures that would allow the LRV team to travel to the field in order to consult with the beneficiaries concerned by the housing assistance modality; and (ii) extend the deadline of 1 February 2021 for the submission of his new observations on the Housing Assistance Request resulting from consultations with the concerned beneficiaries.⁴

5. On 26 January 2021, the Trial Chamber suspended the deadline of 1 February 2021 *sine die*.⁵

6. On 18 February 2021, the Trial Chamber issued a decision, instructing, *inter alia*: (i) the LRV and the Trust Fund, with the assistance of the Registry and the Court’s Country Office in Bunia, to conduct remote interviews with the beneficiaries concerned by the Trust Fund’s Housing

¹ Second quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposal related to the housing assistance modality, 19 October 2020, ICC-01/04-01/07-3865-Conf.

² *Observations du Représentant légal sur le rapport du Fonds au profit des victimes ICC-01/04-01/07-3865-Conf*, 2 November 2020, ICC-01/04-01/07-3867-Conf.

³ *Ordonnance relative à la requête du Fonds au profit des victimes du 19 octobre 2020 sollicitant l’approbation de la Chambre du mode de mise en œuvre concernant l’aide au logement*, 10 December 2020, ICC-01/04-01/07-3868-Conf.

⁴ *Observations du Représentant légal relatives à l’impossibilité de collecter les informations nécessaires à la mise en œuvre des réparations et requête consécutive*, 14 January 2021, ICC-01/04-01/07-3869-Conf.

⁵ Email from the Trial Chamber to the legal representatives of victims, the Defence and the Trust Fund for Victims on 26 January 2021 at 13.07.

Assistance Request, either by telephone or videoconference; and (ii) the LRV to submit his new observations on the Trust Fund's Housing Assistance Request on 15 March 2021 at the latest.⁶

7. On 6 April 2021, after a second extension of time relevant to security, health and travel conditions for enabling the LRV's consultations with beneficiaries,⁷ the LRV submitted his observations on the Trust Fund's Housing Assistance Request.⁸

8. On 19 April 2021, the Trust Fund submitted its fourth quarterly update report.⁹

II. CLASSIFICATION OF THE PRESENT SUBMISSION

9. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund and the LRV have classified this submission and its annex as confidential in line with the Trial Chamber's classification of the orders and decisions upon which the present submission is based.

III. JOINT SUBMISSION

10. The Trust Fund and the LRV recall their efforts to jointly draft a detailed plan for the housing assistance modality, in order to ensure that the [REDACTED], with a view of presenting this plan to the Trial Chamber by the end of April 2021.¹⁰

11. The Trust Fund and the LRV hereby submit, by way of an annex (*see* Annex A), the implementation plan for the housing assistance modality to the Trial Chamber for its approval.

12. The Trust Fund and the LRV will [REDACTED]. In any case, the Trust Fund and the LRV will apprise the Trial Chamber of any adjustments or developments by way of their respective submissions.

⁶ *Décision relative à la requête du représentant légal des victimes du 14 janvier 2021 ainsi qu'à la requête du Fonds au profit des victimes du 19 janvier 2021 portant approbation du mode de mise en œuvre concernant le soutien psychologique*, 18 February 2021, ICC-01/04-01/07-3872-Conf.

⁷ *Requête en extension du délai prévu par la décision ICC-01/04-01/07-3872-Conf pour déposer des observations sur les propositions du Fonds relatives au soutien au logement*, 4 March 2021, ICC-01/04-01/07-3873-Conf; *Décision faisant droit à la demande de prorogation de délai du représentant légal des victimes du 4 mars 2021 aux fins de déposer de nouvelles observations sur la proposition du Fonds au profit des victimes relative au soutien au logement*, 10 March 2021, ICC-01/04-01/07-3874-Conf.

⁸ *Observations déposées en exécution de l'Ordonnance relative à la requête du Fonds au profit des victimes du 19 octobre 2020 sollicitant l'approbation de la Chambre du mode de mise en œuvre concernant l'aide au logement (ICC-01/04-01/07-3868-Conf)*, Avec une annexe confidentielle ex parte réservée au Représentant légal et au Fonds au profit des victimes ("LRV Observations of 6 April 2021"), 6 April 2021, ICC-01/04-01/07-3877-Conf.

⁹ Fourth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims ("Fourth Quarterly Update Report"), 19 April 2021, ICC-01/04-01/07-3878-Conf.

¹⁰ LRV Observations of 6 April 2021, paras 31-36; Fourth Quarterly Update Report, para. 14.

FOR THE FOREGOING REASONS

The Trust Fund and Legal Representative of Victims respectfully request the Trial Chamber to take note of the present submission and to approve the implementation of the housing assistance modality, as set out in Annex A.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust
Fund for Victims



Me Fidel Nsita Luvengika
Legal Representative of Victims

Dated this 22 June 2021
(Date of original 30 April 2021)
At The Hague, The Netherlands