



REPARATIONS FOR VICTIMS OF THE BOGORO MASSACRE: MEETING VICTIMS' NEEDS WHILE GIVING THEM BACK THEIR DIGNITY

24 March 2017 – Trial Chamber II of the International Criminal Court (ICC) ruled today on the principles and criteria that will be applied to determine reparations for the victims of the Bogoro massacre in eastern Democratic Republic of the Congo.

Human rights organisation REDRESS welcomes today's order on reparations¹, which comes 14 years and 28 days after the attack that claimed the lives of more than 200 civilians and reduced the village of Bogoro to literally nothing, according to witnesses who testified during proceedings.

"Progressively, the ICC is developing the ways and means to respond to victims needs through its jurisprudence," said Carla Ferstman, Director of REDRESS. **"We welcome this order on reparations and hope that all steps can be taken to ensure that it is implemented swiftly and effectively for the benefit of all that have already lost so much."**

REDRESS hails, in particular, the finding of the Chamber that both individual and collective reparations are to be awarded to the victims, as victims participating in Court proceedings had expressed their overwhelming preference to receive individual reparations.²

The Chamber individually analysed the requests for reparation of 341 applicants and found that 297 of them presented sufficient evidence to be considered victims of Katanga's crimes and therefore eligible for reparations in the case against him.

The judges awarded these victims with a symbolic compensation of USD250. They noted that while this symbolic amount does not intend to compensate for the entirety of the harm, it will provide much needed relief to the victims.

Victims will also receive collective reparation in the form of support for housing, support for income generating activities, education aid and psychological support. While consisting of long-term projects covering a whole community, collective reparations will still focus on individual victims to the extent possible.

The Chamber assessed the extent of the physical, material and psychological harm suffered by the victims at approximately USD 3,752,620. Observing the principle of proportionality, the Chamber set the amount of Katanga's liability at USD 1,000,000.

REDRESS was given permission by Trial Chamber II to submit an amicus curiae brief on reparations, which we submitted on 15 May 2015.³ With pro bono assistance from global law firm Freshfields, we analysed how other courts, tribunals and related bodies faced with complex decisions on what forms

¹ Trial Chamber II order on reparations in the Katanga case: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/07-3728>

² Observations of the victims on the principles and procedures to be applied to reparations, submitted by the Common Legal Representative of Victims on 15 May 2015: https://www.icc-cpi.int/CourtRecords/CR2015_21206.PDF

³ Observations submitted by REDRESS on reparations, on 15 May 2015 in [English](#) and [French](#) and [Annex I](#).

and modalities of reparations to award in complex cases involving large numbers of victims and immense suffering, came to their decisions about the appropriateness of collective or individual reparations (or both).

In our brief, we noted that a large number of potential beneficiaries was not an insurmountable obstacle to awarding individual reparations and explained the techniques that have been used to address this challenge in other cases as well as the challenge to distribute reparations awards to dispersed or displaced victims.

Freshfields, who helped prepare the amicus curiae, **“is very proud to have supported REDRESS in its important contribution to the development of the principles applicable to reparations under international criminal law,”** commented Singapore-based Freshfields associate, Monika Hlavkova, who worked on the case.

The Chamber took note of some aspects of REDRESS’ intervention in its judgement, including our submission that both domestic courts and transitional justice mechanisms had ordered individual reparations even when a large number of victims are involved (paragraph 284 of the judgement) and that it was essential to take into account victims’ needs when deciding which reparations were more appropriate to them (paragraph 266).

Victims participating in the proceedings had overwhelmingly expressed their preference for obtaining financial compensation or indemnity to help them address the harm they suffered, including physical and psychological harm, material losses, lost opportunities and costs of medical and psychological care.

During the attack on Bogoro on 24 February 2003, many victims were mutilated and several women and girls were enslaved for sexual purposes. Most homes in the village were burned and villagers’ property was destroyed or stolen, including animals that were essential to their daily survival.

Apart from the pain of losing love ones, many families suffered the loss of vital income, including for the upbringing and education of children. Many victims have not been able to send their children to school, return to Bogoro or even bury their love ones for lack of means.

The reparations have been ordered against Germain Katanga, the former leader of the Forces de Résistance Patriotique d’Ituri (FRPI), one of the armed groups that participated in the attack, who was convicted on 7 March 2014 of aiding in the commission of one count of crime against humanity and four counts of war crimes in connection with the attack.

Because Katanga is indigent, the Trust Fund for Victims (TFV) was invited to consider using its resources for the reparations and to present an implementation plan by 27 June 2017.

The Chamber also instructed the TFV to contact the DRC authorities about the possibility of working together to put in place and implement reparations.

“We must also not forget that the reparations awarded by the Court do not absolve the DRC of its responsibility to award reparations to the victims under treaties and national legislation. The DRC should also contribute to the Trust Fund for Victims, and put in place complementary measures in the country to support the countless victims of atrocities,” added Ferstman.

For more information or to request an interview, please contact Eva Sanchis, REDRESS’ Communications Officer, on eva@redress.org ; +44 (0)20 7793 1777 (office) or +44 (0)7857110076 (mobile).

Notes to editors

On 24 March 2017, Trial Chamber II of the International Criminal Court (ICC) delivered the order for reparations to victims in the case *The Prosecutor v. Germain Katanga*: <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/07-3728>

This order was delivered at a public hearing in Courtroom I at the seat of the Court in The Hague (Netherlands) in the presence of the Common legal representative of the victims, Katanga's Defence team and the Trust Fund for Victims

A video link was established between the Makala Prison in the DRC and Courtroom I in order to allow Katanga to attend the delivery of the order. The Registry also established a video link between Bunia (DRC) and Courtroom I, in order to allow as many interested persons as possible who filed applications for reparations, to attend the delivery of the order.

The Legal Representative of Victims and the Defence may appeal the Order within 30 days if they so wish.

The TFV must present – by 27 June 2017 – a plan for implementing the individual and collective reparations Order, describing the projects it intends to develop subsequently. The Legal Representative of Victims and the Defence will then have until 28 July 2017 to file their observations on the implementation plan.

The Defence may also contact the TFV if Mr Katanga wishes to contribute by means of a letter of apology, a public apology or a reconciliation ceremony.

Katanga was sentenced, on 23 May 2014, to a total of 12 years' imprisonment after being found guilty, as an accessory, of one count of crimes against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, in the Ituri district of the Democratic Republic of the Congo.

The attack on 24 February 2003 took place in the context of a violent conflict between the Lendu, Ngiti and Hema ethnic groups. It resulted in the village being cleared of its Hema population.

On 13 November 2015, three Judges of the Appeals Chamber reviewed Katanga's sentence and decided to reduce it. On 19 December 2015, Katanga was transferred to a DRC prison to serve his sentence, which he completed on 18 January 2016. Katanga remains in a prison in the DRC due to national judicial proceedings against him relating to other alleged crimes.