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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 of

**“Ninth quarterly update report pursuant to regulation 58 of the Regulations of the Trust
Fund for Victims”, dated on 19 July 2022, ICC-01/04-01/07-3905-Conf**

Source: Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor****Legal Representative of Victims**

Mr Fidel Nsita Luvengika

Ms Paolina Massidda

Counsel for Germain Katanga

Mr David Hooper

Ms Caroline Buisman

Trust Fund for Victims

Mr Pieter de Baan

States Representatives**REGISTRY**

Registrar

Mr Peter Lewis

Victims Participation and Reparations**Section**

Mr Philipp Ambach

I. BACKGROUND

1. Pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (“Trust Fund”), and in accordance with Trial Chamber II’s (“Trial Chamber”) order instructing the Trust Fund to submit quarterly reports starting with a first report on 17 July 2020,¹ the Trust Fund hereby provides the Trial Chamber with its eighth quarterly update report concerning the progress in the implementation of the three remaining collective reparation awards ordered in the case of *The Prosecutor v. Germain Katanga*, namely: (i) housing assistance; (ii) income-generating activities (“IGAs”); and (iii) psychological support.²

II. CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential as it contains sensitive information related to the ongoing implementation of reparations. A public redacted version of the report will be filed shortly.

III. RELEVANT PROCEDURAL HISTORY

3. The Trust Fund recalls the procedural history set out in the update reports on the implementation of collective reparation awards, submitted on 28 February 2019,³ 26 July 2019,⁴

¹ *Ordonnance enjoignant au Fonds au profit des victimes de déposer des rapports trimestriels sur l'exécution des réparations et au représentant légal des victimes de déposer des observations à des fins de clarification de ses écritures des 6 et 13 mars 2020*, 3 July 2020, [ICC-01/04-01/07-3855](#).

² See Order for Reparations pursuant to Article 75 of the Statute With one public annex (Annex I) and one confidential annex *ex parte*, Common Legal Representative of the Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II), 24 March 2017, [ICC-01/04-01/07-3728-tENG](#), para. 304. See also paras 302-303.

³ Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 28 February 2019, [ICC-01/04-01/07-3826](#).

⁴ Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, with Confidential, *ex parte* Annexes A and B, available only to the Trust Fund for Victims, 26 July 2019, [ICC-01/04-01/07-3836-Conf](#).

18 November 2019,⁵ 17 July 2020,⁶ 18 September 2020,⁷ 19 October 2020,⁸ 19 January 2021⁹ and 19 April 2021,¹⁰ where it described the progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber,¹¹ and where it requested the Trial Chamber's approval of the implementation of reparations in relation to cattle, small IGAs, and first trimester education assistance,¹² of a proposed alternative method of implementation for the purchase of fish,¹³ of the implementation of reparations in relation to motorcycles, fuel and various products,¹⁴ of a proposed alternative method of implementation of the housing assistance modality¹⁵ and of an implementation proposal related to the psychological support modality.¹⁶

⁵ Update report on the implementation of the income generating activities modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of one proposed alternative implementation modality, 18 November 2019, [ICC-01/04-01/07-3843](#).

⁶ Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposals related to the income-generating activities modality, 17 July 2020, [ICC-01/04-01/07-3857-Conf](#).

⁷ Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and in accordance with the *Ordonnance relative à la requête du Représentant légal du 17 juillet 2020 et concernant les modalités de réparations collectives restantes dans cette affaire* (ICC-01/04-01/07-3860-Conf), 18 September 2020, [ICC-01/04-01/07-3861-Conf](#).

⁸ 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](#).

⁹ Third 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 psychological support modality with Confidential Annex A, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#).

¹⁰ Fourth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2021, [ICC-01/04-01/07-3878-Conf](#).

¹¹ See [Order for Reparations](#), para. 304. See also paras 302-303.

¹² Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with Confidential, *ex parte* Annexes A and B, available only to the Trust Fund for Victims, 26 July 2019, [ICC-01/04-01/07-3836-Conf](#), paras 45-46.

¹³ Update report on the implementation of the income generating activities modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of one proposed alternative implementation modality, 18 November 2019, [ICC-01/04-01/07-3843](#), paras 29-33.

¹⁴ Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposals related to the income-generating activities modality, 17 July 2020, [ICC-01/04-01/07-3857-Conf](#), paras 59, 67 and 76.

¹⁵ 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](#), para. 48.

¹⁶ Third 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 psychological support modality with Confidential Annex A, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 48.

4. On 30 April 2021, the Trust Fund and the legal representative of victims (“LRV”) jointly submitted an implementation plan for the housing assistance modality (“Joint Submission”) to the Trial Chamber for its approval.¹⁷

5. On 5 May 2021, the Trial Chamber issued a decision (“Decision of 5 May 2021”),¹⁸ in which it, *inter alia*: (i) approved the implementation of the alternative housing modality as requested in the Housing Assistance Request and detailed in the Joint Submission; (ii) directed the Trust Fund to accommodate all victims’ requests to switch to another reparations modality as well as prioritise the reparations of the victim in need of cash assistance for medicine and subsistence due to her advanced age and health conditions; and (iii) ordered the parties, the Registry, and the Trust Fund to review the underlying filings to its Decision and all their previous submissions in the case record of the reparation proceedings and either file public redacted versions, request the reclassification as public, or justify the need to maintain the classification of filings and annexes classified as confidential or confidential *ex parte*, by 7 June 2021, at the latest.

6. In July 2021, the implementation of the educational assistance modality ended.¹⁹

7. The Trust Fund also recalls its update reports on the implementation of collective reparation awards submitted on 19 July 2021,²⁰ 19 October 2021²¹ and 19 January 2022.²²

8. Finally, the Trust Fund issued its last update report on the implementation of collective reparation awards on 19 April 2022.²³

9. On 3 May 2022, the LRV submitted his observations on the 19 April 2022 Update Report.²⁴

¹⁷ Joint submission on the housing assistance modality with Confidential Annex A, 30 April 2021, [ICC-01/04-01/07-3879-Conf](#).

¹⁸ Decision on requests related to the implementation of collective reparations, 5 May 2021, [ICC-01/04-01/07-3881-Conf](#).

¹⁹ Fifth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 July 2021, [ICC-01/04-01/07-3885-Conf](#) (“Fifth quarterly update report, 19 July 2021”), para. 17.

²⁰ Fifth quarterly update report, 19 July 2021.

²¹ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with Confidential, *ex parte* Annex A, available only to the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#).

²² Seventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2022, [ICC-01/04-01/07-3893-Conf](#) (“Seventh quarterly update report, 19 January 2022”).

²³ Eighth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2022, [ICC-01/04-01/07-3902-Conf](#) (“Eighth quarterly update report, 19 April 2022”).

²⁴ *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes intitulé « Eight quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims »* (ICC-01/04-01/07-3902-Conf), 3 May 2022, [ICC-01/04-01/07-3903-Conf](#).

IV. REGULATION 58 UPDATE REPORT

10. The Trust Fund hereby submits its ninth quarterly update report on the implementation of the collective reparation awards.

A. LRV Field Mission

11. From 20 until 24 June 2022, the LRV, accompanied by a member of his team, conducted a field mission to Bunia with a view to organising collective and individual meetings with beneficiaries to [REDACTED] the implementation of the psychological support modality [REDACTED] and [REDACTED] the housing assistance modality. The Trust Fund wishes to express its appreciation to the LRV for his contribution to the significant progress being made concerning each of these issues as a result of his mission, and will present the results thus achieved in the relevant sections below.

B. Security Situation

12. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. On 15 July 2022, the DRC Government authorised the extension of the state of siege in the provinces of Ituri and North-Kivu. Armed groups continue to carry out deadly attacks against the Armed Forces of the DRC ("FARDC") and the civilian population. They are also engaged in fierce battles with each other, including over control of the mining areas around Mongbwalu, amongst others. Their attacks against the civilian population continue to take place on a regular basis. On 9 May 2022, UN Secretary-General António Guterres urged authorities in the DRC to investigate the deadly attacks by an armed group that were reported to have taken place on 8 May 2022 in Djugu Territory, Ituri Province, during which at least 38 civilians, including women and children, were reported to have been killed as a result of attacks carried out by the Coopérative pour le développement du Congo (CODECO) at the Blakete-Plitu mining site. More civilians were displaced and reported missing after the attackers had set fire to nearby Malika village.²⁵ Sources have also reported that an overnight attack on a displaced persons

²⁵ Statement attributable to the Spokesperson for the Secretary-General – on the Democratic Republic of the Congo, 09 May 2022, accessible at <<https://www.un.org/sg/en/content/sg/statement/2022-05-09/statement-attributable-the-spokesperson-for-the-secretary-general-%E2%80%93-the-democratic-republic-of-the-congo-scroll-down-for-french>>

camp outside the town of Fataki in Djugu region of eastern Ituri province has resulted in the death of at least 14 people, including children.²⁶

C. Public Health Situation

13. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable. The Country Office does not report any significant resurgence of new cases. On 14 February 2022, the Government of the DRC has relaxed measures concerning COVID-19 in terms of the previously established curfew. Travellers from outside of the DRC are no longer required to get tested before entering the territory, provided they are fully vaccinated. Although there are no new preventive measures taken by the Congolese Government, other measures previously established by the Government, the UN and the Registry's Occupational Health Unit are still in force and are respected by the TFV during all implementation activities.

D. Income-Generating Activities

14. As reported in the seventh²⁷ and in the eighth update reports,²⁸ insofar as the purchase procedure for motorcycles for one remaining beneficiary needed to start anew, the process is currently still underway. The same beneficiary will also be able to benefit from an income-generating activity for the remaining due amount due as part of his reparations benefit; the Trust Fund is currently awaiting the communication of his preferences in this respect.²⁹

15. As to the beneficiary who had opted for income-generating activities instead of the payment of school fees, the Trust Fund reiterates that he will also benefit from the products of his choice as part of this modality shortly.³⁰

²⁶ "DR Congo: Rebels carry out deadly attack on refugee camp in Ituri", *Aljazeera*, accessible at <<https://www.aljazeera.com/news/2022/5/10/at-least-14-killed-in-eastern-dr-congo-refugee-camp-attack>>

²⁷ Seventh quarterly update report, 19 January 2022, para. 9.

²⁸ Eighth quarterly update report, 19 April 2022, para. 13.

²⁹ Email sent by the Trust Fund to the LRV on 16 May 2022 at 6.01pm.

³⁰ See also Eighth quarterly update report, 19 April 2022, para. 13.

16. Similarly, a third beneficiary who has recently indicated their wish to receive products of his choice instead of benefitting from the housing support modality³¹ will also receive the former as soon as feasible.³²

17. Finally, pursuant to the Trial Chamber decision on the application for resumption of action brought by a family member of a victim³³ who later on, following the Trust Fund's query,³⁴ expressed the wish to benefit from an income-generating activity,³⁵ the Trust Fund is currently awaiting the communication of his preferences in order to deliver the products of his choice as soon as possible.³⁶

18. No additional beneficiaries are currently awaiting the implementation of this modality.

E. Housing Assistance

19. [REDACTED].

20. [REDACTED].

21. [REDACTED].

22. [REDACTED].

23. [REDACTED].

24. [REDACTED].

25. [REDACTED].

26. [REDACTED].

27. [REDACTED].

F. Psychological Support

28. Following the training on the management of post-traumatic stress disorder given by the lead psychologist assisted by the locally based psychologist recruited by the Trust Fund with the

³¹ Email sent by the LRV to the Trust Fund on 1 July 2022 at 2.04pm.

³² Email sent by the Trust Fund to the LRV on 1 July at 5.47pm

³³ Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0273/09, 8 February 2022, [ICC-01/04-01/07-3896](#), para. 9.

³⁴ Email sent by the Trust Fund on 16 May 2022 at 6.01pm.

³⁵ Email sent by the LRV to the Trust Fund on 1 July 2022 at 2.04pm.

³⁶ Email sent by the Trust Fund to the LRV on 1 July 2022 at 5.47pm.

recruited locally based resource persons who are to provide counselling sessions and the communication by the Trust Fund of their final list with both Legal Representatives, the LRV's clients participated in a series of meetings organised as part of the LRV and TFV's joint mission. [REDACTED] As a result, the Trust Fund expects that victim satisfaction with the implementation of this modality will be increasing, also due to the ongoing supervision and support from the locally based psychologist engaged by the Trust Fund over a period of several months with a view to ensure the sustainability of the implementation of psychological support.³⁷

29. The above-mentioned meetings organised as part of the LRV and TFV's joint mission also allowed for the victims' better understanding of this modality and a greater appreciation of it, thereby working towards achieving victims' satisfaction with this modality in the long run. The Trust Fund therefore uses this opportunity to reaffirm its gratitude for the LRV's strong and ongoing support in this process and for his great commitment, which is fully shared by the Trust Fund, towards rendering the implementation of this modality as efficient and as close to the beneficiaries as possible.

30. The Trust Fund also wishes to reiterate the possibility for the Legal Representatives to make comments and, if applicable, voice any remaining concerns and stands ready to make any required adjustments if necessary.

31. Finally, the Trust Fund also renews its commitment to continue informing the Chamber about the outcomes and the potential challenges encountered as part of this modality upon receiving reports from the lead psychologist and from the locally based psychologist in this respect.

G. Evaluation

32. The evaluation activity conducted by an external party contracted by the Trust Fund at the end of 2021 is ongoing. The contracted party submitted to the Trust Fund the final version of its methodological note and the questionnaires to be used for beneficiary and stakeholder interviews. Interviews with relevant stakeholders who played a role in the design and implementation of the *Katanga* reparations awards have started and will continue over the next weeks. The contracted party will subsequently conduct, as a next step, interviews with reparations' beneficiaries.

³⁷ See Eighth quarterly update report, 19 April 2022, para. 25.

33. In accordance with its previous commitment in this respect, the Trust Fund will report to the Chamber on the evaluation's findings in due course and will, in any event, continue informing the Chamber on an ongoing basis of the progress made in that regard.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to take note of the present report.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims

Dated this 26th of July 2022
(Date of original 19 July 2022)
At The Hague, The Netherlands