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**International
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TRIAL CHAMBER II

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. GERMAIN KATANGA

Confidential

Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims

Source: The Trust Fund for Victims

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

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Section

Mr Phillip Ambach

1. Pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (“Trust Fund”), the Trust Fund hereby provides an update report on progress in the implementation of the collective reparations education award ordered in the case of *The Prosecutor v. Germain Katanga*, namely to report to Trial Chamber II (“Trial Chamber”) on the completion of the third trimestral payments of school fees, as well as on the preparatory steps undertaken for the next school year.

I. 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 in line with the classification given by the Trial Chamber to the orders and decisions upon which the present report is based.

II. RELEVANT PROCEDURAL HISTORY

3. On 24 March 2017, the Trial Chamber issued an order for reparations against Mr Germain Katanga, awarding USD 1 million for individual and collective reparations to 297 victims of the case (“Reparations Order”).¹ The individual reparations consist of an award of symbolic compensation in the amount of USD 250 for each victim. The modalities of the collective reparations awarded were: (i) housing assistance; (ii) educational assistance; (iii) income generating activities; and (iv) psychological support.²

4. On 25 July 2017, the Trust Fund submitted its draft implementation plan.³

5. On 6 December 2018, the Trust Fund submitted an update report on the implementation of the first phase of the education assistance modality (“6 December 2018 Update Report”).⁴ On 28 February 2019, the Trust Fund submitted an update report on the implementation of collective

¹ Reparations Order, [ICC-01/04-01/07-3728](#).

² [Reparations Order](#), para. 304. *See also* paras 302-303.

³ Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728) With one confidential annex, one public annex and three confidential, *ex parte* annexes, 25 July 2017, ICC-01/04-01/07-3751-Conf.

⁴ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 6 December 2018, ICC-01/04-01/07-3818-Conf.

reparations awards (“28 February 2019 Update Report”),⁵ in which it reported *inter alia* on the second phase of the education assistance modality.

6. Between 18 March 2019 and 12 April 2019, the legal representatives of victims (“LRV” and “OPCV LRV”, jointly referred to as “LRVs”) and their teams undertook a field mission to meet with the victims in order to (i) actualise the victims’ choices on the modalities of the collective reparations and (ii) follow the implementation of the collective reparations more closely and work together with the Trust Fund on the preparation of said modalities.⁶

7. On 10 April 2019, a meeting with the LRV took place, during which the implementation of the third trimester payment was discussed, taking into account the modifications made by the victims to their choices on the modalities of the collective reparation.⁷

8. On 18 April 2019, a detailed calendar for the implementation of the education assistance for the third trimester was shared with the LRVs and the Trial Chamber.⁸

9. On 23 April 2019, the Trust Fund’s Associate Field Programme Officers (“AFPOs”) and Legal Officer began making the third trimester payments for the education assistance awards.

10. On 25 April 2019, the LRV expressed his satisfaction with the communication and collaboration with the Trust Fund during his mission in the field and emphasised his trust in the current working method.⁹

11. On 14 June 2019, the Trust Fund handed over copies of the *actes de réception* relevant to the third trimester education payments to the LRVs.¹⁰ On 3 July, the Trust Fund shared the updated databases with the LRVs and the Trial Chamber.¹¹

⁵ 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-Conf.

⁶ See *Rapport du Représentant légal relatif à l’exécution des réparations collectives*, 23 May 2019, ICC-01/04-01/07-3832-Conf (“*Rapport du Représentant légal relatif à l’exécution des réparations collectives*”), para. 6; an Associate Field Programme Officer of the Trust Fund was present during the LRV’s interviews with the victims.

⁷ Meeting on 10 April 2019.

⁸ Email from Trust Fund staff to LRVs and Trial Chamber on 18 April 2019 at 15:59.

⁹ Email from LRV to Trust Fund, OPCV LRV and Trial Chamber on 25 April 2019 at 12:57.

¹⁰ Email from Trust Fund staff to LRV on 14 June 2019 at 15:24 and email from LRV to Trust Fund acknowledging receipt on the same date at 16:17; email from Trust Fund staff to OPCV LRV on 14 June 2019 at 16:10 and email from OPCV LRV to Trust Fund acknowledging receipt on 17 June 2019 at 09:53.

¹¹ Email from AFPO to Trial Chamber on 3 July 2019 at 11:24; email from AFPO to LRV on 3 July 2019 at 11:29; Email from AFPO to OPCV LRV on 3 July 2019 at 11:34.

12. The Trust Fund hereby submits an update report on the implementation of the education assistance modality of the collective reparations awards, namely on the completion of the third trimestral payments of school fees, as well as on the preparatory steps undertaken for next school year.

III. TFV REGULATION 58 UPDATE REPORT

A. Implementation of the reparations education assistance award

13. At the outset, the Trust Fund wishes to express its gratitude to the LRVs for the valuable collaboration during the mission in the field. As the LRV points out in his most recent report, holding the interviews with the victims jointly resulted in an efficient working method and offered the possibility to directly resolve some difficulties related to the implementation of the reparations education assistance award for the third trimester.¹² For example, although they initially did not opt for educational assistance, some victims afterwards expressed the desire to support their children's schooling. In collaboration with the LRV, these particular cases have been resolved.

14. Second, as the manner of implementation of the reparations education assistance award proved successful for the first and second trimester, the Trust Fund continued in the same vein for the third trimester. In the week before carrying out the third trimester payments, the AFPOs reached out to all school directors in order to invite them to a secure location in Bunia where the payments would take place. In case of unavailability of school directors, the payments took place directly at the school or, in the case of one University, through a bank transfer. The actual payments of the school fees started on 23 April, as foreseen in the detailed calendar, and were concluded on 7 May. It should be noted that the payment of school fees could not be completed on 2 May 2019 as planned in the initial calendar because some schools were not operational from 29 April until 5 May 2019, given that the preliminary State Examinations were organised in their facilities, and all students and heads of the concerned institutions were on leave.

15. As a result, the Trust Fund successfully completed the third trimester payments of educational assistance for all 269 students involved, among them two girls in vocational training

¹² *Rapport du Représentant légal relatif à l'exécution des réparations collectives*, paras 29-32.

in cutting and sewing in Bogoro and Bunia, thereby ensuring that no students were sent home from school for lack of payment.¹³

16. Many victims and heads of school expressed their gratitude for the effective implementation of the reparations education assistance award. One school director in particular stated that: *“C'est le plus important service que vous rendez aux enfants parfois désespérés en leur offrant un avenir meilleur, aux parents dépouillés par la guerre en leurs redonnant de la richesse et valeur à travers leurs enfants en éducation et à la nation en contribuant à l'éradication de l'analphabétisme, facteur de sous-développement.”*

B. Preparation for next school year

17. The analysis of the database shows that around 72% of the victims' budget for educational assistance has been used. The remaining amount will be used for the same purpose during the 2019-2020 school year. Victims who still have a budget allocated to educational assistance will need to be contacted again in the month of August 2019 in order to identify their new address (in case the victim changes his address) and the schools attended by the students for the new school year and to prepare the children for their return to school next September. Thus, the educational assistance will continue in the first quarter of the school year 2019-2020. Appropriate arrangements will be made for payment of the registration fees in schools and school kits to be provided to the students concerned in a timely manner.

¹³ The educational assistance for the third trimester consisted of the payment of *frais de collation*, primary school leaving examination fees, state exam fees for high school finalist students, academic fees for university students and the costs of the practical jury for schools of medical education and vocational training. For two students in vocational training, the end-of-training kit and certificate fees were also paid.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to take note of the present report and stands ready to appraise the Chamber of any further relevant developments.



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

Dated this 3 July 2019

At The Hague, The Netherlands