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**International  
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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**

**Fourth quarterly update report 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:**

**The Office of the Prosecutor**

**Counsel for Germain Katanga**

Mr David Hooper

Ms Caroline Buisman

**Legal Representative of Victims**

Mr Fidel Nsita Luvengika

Ms Paolina Massidda

**States Representatives**

**REGISTRY**

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**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,<sup>1</sup> the Trust Fund hereby provides the Trial Chamber with its fourth quarterly update report concerning the progress in the implementation of the four collective reparations awards ordered in the case of *The Prosecutor v. Germain Katanga*, namely: (i) housing assistance; (ii) educational assistance; (iii) income-generating activities (“IGAs”); and (iv) psychological support.<sup>2</sup>

## 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 in line with the Trial Chamber’s classification of the orders and decisions upon which the present report is based.

## III. RELEVANT PROCEDURAL HISTORY

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

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<sup>1</sup> *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-Conf.

<sup>2</sup> See [Order for Reparations](#), para. 304. See also paras 302-303.

<sup>3</sup> 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.

<sup>4</sup> 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<sup>5</sup>, 17 July 2020<sup>6</sup>, 18 September 2020<sup>7</sup>, 19 October 2020<sup>8</sup> and 19 January 2021<sup>9</sup> (“26 July 2019 Update Report”, “18 November 2019 Update Report”, “17 July 2020 Update Report”, “19 October 2020 Update Report”, and “19 January 2021 Update Report” respectively) where it described the progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber,<sup>10</sup> 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,<sup>11</sup> of a proposed alternative method of implementation for the purchase of fish,<sup>12</sup> of the implementation of reparations in relation to motorcycles, fuel and various products,<sup>13</sup> of a proposed alternative method of implementation of the housing assistance modality (“Housing Assistance Request”),<sup>14</sup> and of an implementation proposal related to the psychological support modality (“Psychological Support Request”).<sup>15</sup>

4. On 3 February 2021, the legal representative of victims (“LRV”) submitted his observations on the 19 January 2021 Update Report, expressing his support for the Psychological Support Request.<sup>16</sup>

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<sup>5</sup> 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-Conf.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> See [Order for Reparations](#), para. 304. See also paras 302-303.

<sup>11</sup> 26 July 2019 Update Report, paras 45-46.

<sup>12</sup> 18 November 2019 Update Report, paras 29-33.

<sup>13</sup> 17 July 2020 Update Report, paras 59, 67 and 76.

<sup>14</sup> 19 October 2020 Update Report, para. 48.

<sup>15</sup> 19 January 2021 Update Report, para 48.

<sup>16</sup> *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes « 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 »* (ICC-01/04-01/07-3870-Conf), Avec deux annexes confidentielles, 3 February 2021, ICC-01/04-01/07-3871-Conf.

5. On 18 February 2021, the Trial Chamber issued a decision (“Decision of 18 February 2021”), instructing, *inter alia*: (i) the Trust Fund to submit, in its next quarterly update report, observations on the follow-up after a beneficiary has been allocated a sum of money for the purchase of fish; (ii) 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 Assistance Request, either by telephone or videoconference; (iii) the LRV to submit further observations on the Trust Fund’s Housing Assistance Request on 15 March 2021 at the latest; and (iv) approving the Trust Fund’s Psychological Support Request.<sup>17</sup>

6. On 6 April, after a second extension of time relevant to security, health and travel conditions for enabling the LRV’s consultations with beneficiaries,<sup>18</sup> the LRV submitted his observations on the Trust Fund’s Housing Assistance Request (“LRV Observations of 6 April 2021”).<sup>19</sup>

#### **IV. REGULATION 58 UPDATE REPORT**

7. The Trust Fund hereby submits its fourth quarterly update report on the implementation of the collective reparations awards.

##### **A. Security Situation**

8. The Trust Fund has been closely following security developments with a view of planning the implementation of the remaining IGAs for the concerned victims who reside outside of Bunia.

9. At the time of filing, the security situation has not improved, with militia groups still targeting civilians and the Armed Forces of the Democratic Republic of the Congo in eastern DRC.

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<sup>17</sup> *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.

<sup>18</sup> *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.

<sup>19</sup> *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, 6 April 2021, ICC-01/04-01/07-3877-Conf.

10. As a result, the Joint Threat Assessment Group (“JTAG”) maintained its security recommendations for the DRC, stating that “[i]n light of the military operations against armed groups operating in eastern DRC, [...] additional security and safety restrictions may be put in place by the Country Office at short notice”.<sup>20</sup>

11. The Country Office maintained its security restrictions, which are suspending all activities except those in Bunia centre and only for victims or beneficiaries residing in the city. In the week of 12 April 2021, the Country Office temporarily prohibited staff from leaving the compound due to the worsening security situation in Bunia itself.

## **B. Housing Assistance**

12. At the outset, the Trust Fund wishes to reiterate its appreciation for the LRV’s organisation of the consultations with all beneficiaries concerned by the housing assistance modality, which were conducted in part with the Trust Fund.<sup>21</sup>

13. The Trust Fund welcomes the LRV Observations of 6 April 2021 and notes that the vast majority of victims wish to maintain their choice to receive housing assistance.<sup>22</sup>

14. In order to ensure that these beneficiaries receive meaningful and appropriate assistance with their construction and renovation projects and to ensure proper monitoring of the activities of the beneficiaries and the building projects, the Trust Fund and the LRV are currently working on a detailed plan, as mentioned by the LRV in his latest observations,<sup>23</sup> which will be jointly submitted to the Trial Chamber. The Trust Fund and the LRV met already twice, on 8 and on 15 April 2021, to discuss the plan and expect to finalise this process by the end of April 2021.

15. With regard to the 17 beneficiaries who wish to shift their budget from the housing assistance modality to other modalities,<sup>24</sup> the Trust Fund wishes to reiterate its flexible approach allowing beneficiaries to change modalities and will prepare the implementation of these reparations as soon as it receives all relevant information from the LRV.

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<sup>20</sup> Email from the JTAG to the Trust Fund on 7 April 2021 at 15.34.

<sup>21</sup> The Trust Fund participated in the collective meeting on 12 March, and in the individual consultations on 15 and 16 March 2021, all with victims residing in Bunia.

<sup>22</sup> LRV Observations of 6 April 2021, para. 19.

<sup>23</sup> LRV Observations of 6 April 2021, paras 31-36.

<sup>24</sup> LRV Observations of 6 April 2021, para. 19.

16. The Trust Fund also notes that one beneficiary has already constructed a house and is no longer able to perform an IGA due to her old age and health issues. [REDACTED].<sup>25</sup> The Trust Fund agrees with the LRV that the beneficiary's specific circumstances [REDACTED],<sup>26</sup> and hereby requests the Trial Chamber's approval of this proposal.

### **C. Educational Assistance**

17. The Trust Fund notes that two beneficiaries wish to shift their budget from the housing assistance modality to the educational assistance modality,<sup>27</sup> and currently awaits further details from the LRV on his clients' choices, notably for which children it should pay school fees and to which relevant educational institutions.

18. As soon as the Trust Fund receives this information, it will start preparing for a swift implementation of this modality, in order to ensure that the concerned children can attend these schools.

### **D. Income-Generating Activities**

19. Since its 19 January 2021 Update Report, the Trust Fund delivered four motorcycles to four beneficiaries, and provided one victim with fuel. All concerned victims reside in Bunia.

20. In light of the unaltered security situation, no other activities have taken place. The Trust Fund remains fully committed to provide the remaining beneficiaries with their motorcycles, fuel, cattle, various products and cash for fish, as soon as the security situation outside of Bunia improves, allowing them to travel to Bunia to receive the awards.

21. The Trust Fund further notes that 15 victims wish to shift their budget from the housing assistance modality to the IGAs of the purchase of motorcycles, cattle and various products.<sup>28</sup>

22. As soon as the Trust Fund receives all relevant information, it will start preparing for the implementation of these reparations.

*Observations on the monitoring of the purchase of fish*

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<sup>25</sup> LRV Observations of 6 April 2021, para. 19.

<sup>26</sup> LRV Observations of 6 April 2021, para. 19.

<sup>27</sup> Annex to the LRV Observations of 6 April 2021, ICC-01/04-01/07-3877-Conf-Exp-Anx, page 2.

<sup>28</sup> Annex to the LRV Observations of 6 April 2021, ICC-01/04-01/07-3877-Conf-Exp-Anx, page 2.

23. The Trust Fund recalls that, in 2019, an alternative method of implementation for the purchase of fish, including the following monitoring system, was agreed:

- i. Upon receipt of the cash, the beneficiary and a witness have to sign an “*acte de réception du matériel*”;
- ii. Immediately after each purchase of fish, the beneficiary has to deliver a proof of purchase to the Trust Fund, keeping the copy of the receipt;
- iii. The Trust Fund and LRV will follow up on the progress of the activity and the success, failures or difficulties by means of a weekly phone call with the beneficiaries;
- iv. The Trust Fund will closely monitor and document all activities performed in Bunia, such as the actual sale of fish by means of photos, success stories and witnesses.<sup>29</sup>

24. The Trust Fund also planned to organise a meeting with the concerned beneficiaries, before the implementation of this IGA, to discuss their respective individual budgets, to explain the constraints the Trust Fund faces in the direct implementation of the activity, as well as the alternative method of implementation and the monitoring system.<sup>30</sup>

25. The Trust Fund notes that only one victim received the relevant amount of money for this IGA, and only because he/she appeared at the warehouse during the implementation of the various products, back in September-October 2020.<sup>31</sup>

26. Due to the security situation and the suspension of all activities for victims from outside of Bunia, the Trust Fund has not been able to serve any other beneficiaries concerned by this IGA, or, for beneficiaries residing in Bunia, prefers to provide them with cash once the security situation outside of Bunia allows again for them to travel safely to Kasenyi to buy fresh and salted fish.<sup>32</sup> For that reason, the Trust Fund has also not organised the abovementioned meeting with the concerned beneficiaries but still intends to do so, either collectively or individually, at the moment of disbursement.

27. During a meeting on 11 February 2021, the Trust Fund and the LRV discussed the monitoring system and the fact that not all victims will be able to deliver proof of purchase of fish to the Trust Fund, depending on where exactly they buy their fish. For instance, victims who buy

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<sup>29</sup> 18 November 2019 Update Report, para. 31.

<sup>30</sup> 18 November 2019 Update Report, para. 31.

<sup>31</sup> 19 October 2020 Update Report, para. 25.

<sup>32</sup> 19 January 2021 Update Report, paras 25-26.



the fish directly at Lake Albert or next to a river will most likely not be able to receive a proof of purchase, while this will not be an issue for victims who buy their fish from a wholesaler.

28. The Trust Fund and the LRV further agreed that it is important to give victims the responsibility to effectively use the money to buy fish, and to follow up on this by telephone through the LRV's intermediary, rather than maintaining a strict control at every stage of the process. This approach will allow for victims to directly share pictures of their purchased fish and their business activity on the market with the LRV and the Trust Fund.

### **E. Psychological Support**

29. Following the Trial Chamber's approval of the Psychological Support Request,<sup>33</sup> the Trust Fund started the process of contracting a psychological consultant to set in motion the drafting of a concrete plan including a budget and to ensure the availability of a local psychologist.

30. For that purpose, the Trust Fund shared the Terms of Reference with the Human Resources Section, who posted the vacancy on the Court's website on 16 April 2021 for a period of two weeks.

31. The Trust Fund expects to have the psychological consultant on board around mid-May 2021, after which the concrete planning of the approved activities can start.

### **F. Other Matters**

#### *Monitoring and Evaluation*

32. The Trust Fund has closed the procurement process for evaluation providers and expects to conclude the contract shortly. Thereafter, the evaluation process of the *Katanga* reparation process will commence. The Trust Fund will keep the Trial Chamber and LRVs informed of the exact timeline.

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<sup>33</sup> Decision of 18 February 2021, para. 57 and disposition.

**FOR THE FOREGOING REASONS**

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



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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 21 June 2021  
(Date of original: 19 April 2021)  
At The Hague, The Netherlands