

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

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

Date: **19 July 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**

**Public redacted version of the fifth 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**

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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 fifth 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 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 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> 19 January 2021,<sup>9</sup> and 19 April 2021<sup>10</sup> (“26 July 2019 Update Report”, “18 November 2019 Update Report”, “17 July 2020 Update Report”, “19 October 2020 Update Report”, “19 January 2021 Update Report”, and “19 April 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>11</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>12</sup> of a proposed alternative method of implementation for the purchase of fish,<sup>13</sup> of the implementation of reparations in relation to motorcycles, fuel and various products,<sup>14</sup> of a proposed alternative method of implementation of the housing assistance modality (“Housing Assistance Request”),<sup>15</sup> and of an implementation proposal related to the psychological support modality (“Psychological Support Request”).<sup>16</sup>

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.<sup>17</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> 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.

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

<sup>12</sup> 26 July 2019 Update Report, paras 45-46.

<sup>13</sup> 18 November 2019 Update Report, paras 29-33.

<sup>14</sup> 17 July 2020 Update Report, paras 59, 67 and 76.

<sup>15</sup> 19 October 2020 Update Report, para. 48.

<sup>16</sup> 19 January 2021 Update Report, para 48.

<sup>17</sup> Joint submission on the housing assistance modality with Confidential Annex A, 30 April 2021, ICC-01/04-01/07-3879-Conf.

5. On 4 May 2021, the LRV submitted his observations on the 19 April 2021 Update Report.<sup>18</sup>

6. On 5 May 2021, the Trial Chamber issued a decision (“Decision of 5 May 2021”), 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.

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

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

##### **A. Field Mission**

8. With a view of supporting the Trust Fund’s field based staff in the Democratic Republic of the Congo (“DRC”) with its increasing workload, which includes the final stages of implementation of reparations in this case, the Trust Fund sent a mission to Bunia consisting of two legal staff members based in The Hague, for the first time since the start of the COVID-19 pandemic.

9. A staff member working on this case arrived in Bunia on 21 May 2021 for a period of four weeks, making final preparations for the housing assistance and the psychological support, as well as advancing all remaining IGAs and educational assistance to the extent possible.

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<sup>18</sup> *Observations relatives au Fourth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (ICC-01/04-01/07-3878-Conf)*, 4 May 2021, ICC-01/04-01/07-3880-Conf.

## **B. Security Situation**

10. Early May 2021, the President of the DRC declared a state of siege over the escalating violence in the provinces of Ituri and North Kivu, replacing the civil administration with a military administration with a view of ending the insecurity in the area through military operations.

11. Several weeks later, as the Trust Fund was holding consultations during its field mission, several international organisations and implementing partners informed the Trust Fund that they had been able to relaunch their activities in the area between Bogoro, Kasenyi and Tchomia, since the security situation in Ituri had significantly improved following the operations by the Armed Forces of the DRC (“FARDC”).

12. In response to a request for an *ad hoc* security assessment with a view of relaunching implementation activities for beneficiaries residing outside of Bunia, the Court’s security staff in Bunia confirmed that the situation in the axis of Bogoro, Kasenyi and Tchomia had improved since the military operations of the FARDC and that they would be able to support implementation activities in Bunia for beneficiaries residing outside of the city.

13. Consequently, the Trust Fund discussed the improved security situation with the LRV and then relaunched implementation activities for his clients residing outside of Bunia.<sup>19</sup>

## **C. Public Health Situation**

14. The DRC imposed additional restrictions due to the pandemic as of 15 June 2021. In the week of 12 July 2021, the consequence was that the Registry’s Occupational Health Unit advised against impending Trust Fund missions to the DRC. It is currently under consideration when the Bunia based Trust Fund staff will return to Bunia after their in-country mission to Kinshasa. Given this situation, it can be expected that implementation activities will not take place in the immediate future.

## **D. Educational Assistance**

15. Upon receipt of the payment details for the two beneficiaries who shifted their budget from the housing assistance modality to the educational assistance modality,<sup>20</sup> the Trust Fund paid the

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<sup>19</sup> Email from the LRV to the Trust Fund on 4 June 2021 at 11.16.

<sup>20</sup> 19 April 2021 Update Report, para. 17.

school fees to the relevant educational institutions and reimbursed beneficiaries for education related expenses.

16. With the improvement of the security situation outside of Bunia, the Trust Fund invited the two remaining clients of the Office of Public Counsel for Victims' ("OPCV LRV") to Bunia in order to reimburse them for previous education related expenses under this modality. With these payments, all OPCV LRV's clients have received their reparations in full.

17. As a result of these payments, the educational assistance modality is fully implemented. The Trust Fund will share its finalised database with both legal representatives of victims ("LRVs") and the Trial Chamber.

## **E. Income-Generating Activities**

18. Following the relaunch of implementation activities and in accordance with the Trial Chamber's Decision of 5 May 2021 to accommodate all victims' requests to switch to another reparations modality as well as to prioritise the reparations of the victim in need of cash assistance for medicine and subsistence due to her advanced age and health conditions, the Trust Fund accomplished the following results.

### **1. Purchase of fuel**

19. During the week of 7 June 2021, the Trust Fund served all but one of the remaining beneficiaries for the fuel modality, at a total value of USD 19,150.

20. The LRV informed the Trust Fund that the remaining beneficiary, who has a fuel budget of USD 50, is currently in Uganda and thus unable to receive any reparations, including a motorcycle.

21. The Trust Fund will follow up with the LRV on the matter and hopes to deliver the reparations to this beneficiary as soon as possible.

### **2. Purchase of motorcycles**

22. During the week of 7 June 2021, the Trust Fund served all but one of the remaining beneficiaries who had originally chosen for motorcycles for a total value of over USD 10,000. The remaining beneficiary is currently residing in Uganda as mentioned above.

23. Regarding the two beneficiaries who previously shifted either their budget for housing or for cattle to the purchase of motorcycles, the Trust Fund shared the updated lists with currently available motorcycles from the two vendors with the LRV last month,<sup>21</sup> and is awaiting a response regarding his clients' choices.

24. As soon as the Trust Fund receives this information, it will order the requested motorcycles from the vendor(s) and will organise the pick-up with the beneficiaries once the motorcycles are assembled.

### **3. Purchase of fish**

25. On 11 June 2021, the Trust Fund invited the 11 beneficiaries who had chosen the fish reparation modality to a secure location in order to provide them with cash for the purchase.

26. First, the Trust Fund held a group meeting with the beneficiaries to explain the constraints faced by the Trust Fund in the direct delivery of fish, the alternative method of implementation and the follow-up to be conducted by the LRV and the Trust Fund with each beneficiary individually, as well as the possibility for each beneficiary to still shift their budget towards another IGA or to receive the cash in several instalments.

27. Next, the Trust Fund discussed with each beneficiary individually his or her respective budget and preference as to the use of it. All beneficiaries indicated their preference to receive the money in full to invest it into their fish trade activities.

28. The LRV team participated remotely both during the group and the individual meetings.

29. The Trust Fund wishes to reiterate its appreciation to the LRV for his cooperation, contributing to the successful implementation of this award.

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<sup>21</sup> Email from the Trust Fund to the LRV on 15 June 2021 at 11.00.



#### 4. Purchase of cattle

30. The Trust Fund recalls that nine beneficiaries requested to shift their budget from the housing support award to the purchase of cattle,<sup>22</sup> and that there were two other beneficiaries who still needed to receive cattle.

31. On 14 June 2021, the Trust Fund visited the cattle market with eight beneficiaries and bought 33 cattle heads for a total value of USD 12,550.

32. On 21 June 2021, the Trust Fund visited the cattle market once more with one beneficiary who was unable to attend the market on 14 June, and bought two cattle heads for a value of USD 825.

33. Currently, two more beneficiaries are to receive cattle. One beneficiary wishes to purchase a goat with his remaining budget of USD 30. However, at the cattle market, the veterinary informed the Trust Fund that prices for the smallest goats available start at a higher price. Thus, the beneficiary's budget being insufficient for the purchase of a goat, the Trust Fund asked the LRV as to what the beneficiary wishes to do instead with his budget<sup>23</sup> and currently awaits his response.

34. As to the other beneficiary, the LRV informed the Trust Fund that the beneficiary has deceased and that a *repreneur* will need to be designated.<sup>24</sup> The LRV informed the Trust Fund that he will take the relevant action in that respect.

#### 5. Cash payments in specific cases

35. The Trust Fund recalls the specific case of the beneficiary in need of cash assistance for medicine and subsistence due to her advanced age and health conditions, for which the Trial Chamber approved the payment of her reparations to her in cash.<sup>25</sup>

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<sup>22</sup> Annex to the *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 oeuvre 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-Exp-Anx, page 2.

<sup>23</sup> Email from the Trust Fund to the LRV on 15 June 2021 at 11.00.

<sup>24</sup> The dossier in question is that of a/0195/08.

<sup>25</sup> See the Decision of 5 May 2021.

36. After further consultation with the LRV on the most appropriate moment for implementation, the LRV agreed on 7 July 2021,<sup>26</sup> and the Trust Fund served the beneficiary the day after on 8 July 2021.

37. The LRV further informed the Trust Fund that one beneficiary permanently relocated to another country, so that he is to be treated as a beneficiary residing outside of the DRC who is to receive the remainder of his collective reparations in cash.<sup>27</sup>

38. As this approach is in line with the previously established approach for relocated victims,<sup>28</sup> the Trust Fund concluded the payment of the beneficiary's remaining reparations value via Western Union on 9 July 2021.

## 6. Other remaining IGAs

39. The Trust Fund notes that a number of other beneficiaries opted to switch their budget from the housing assistance modality to IGAs like the purchase of various products or clothing.

40. With regard to these remaining beneficiaries, in June 2021, the Trust Fund requested more detailed information from the LRV as to the beneficiaries' preferred goods,<sup>29</sup> and currently awaits the LRV's response regarding his clients' choices.

41. As soon as the Trust Fund receives this information and as the public health situation allows again for implementation activities to take place, the Trust Fund will organise the purchase with the vendors and the pick-up with the beneficiaries.

## F. Housing Assistance

42. [REDACTED]

<sup>26</sup> Email from the LRV to the Trust Fund on 7 July 2021 at 10.31.

<sup>27</sup> Email from the LRV to the Trust Fund on 21 April 2021 at 13.19.

<sup>28</sup> See Information relevant to the modalities of implementation of collective reparations With Confidential annex A: Revised budget, 2 October 2018, ICC-01/04-01/07-3811-Conf, page 7 and paras 17-18.

<sup>29</sup> Email from the Trust Fund to the LRV on 15 June 2021 at 11.00.

43. [REDACTED]

### **G. Psychological Support**

44. Following the posting of the vacancy announcement for a psychological consultant on the Court’s website on 16 April 2021 for a period of two weeks,<sup>30</sup> the Trust Fund was able to finalise the contracting process throughout the month of May and welcomed the consultant on board on 1 June 2021.

45. The Trust Fund held several meetings with the consultant, some in the presence of the LRV, to discuss the implementation of this award.

46. The Trust Fund recalls that the action plan presents an approach on two levels to address the post-traumatic stress disorder (“PTSD”) from which victims suffer as a result of the crimes of Mr Katanga: (i) an informative/educational component, with the goal to inform and educate victims and other members of the community on how to identify and recognise PTSD, combined with group and family therapy sessions; and (ii) counselling sessions of psychoeducation and cognitive-behavioural therapy aimed at further informing victims and their families about PTSD and to promote coping mechanisms, in order to replace a person's negative ideas and maladaptive behaviours with thoughts and reactions that are in line with the reality.<sup>31</sup>

47. So far, the psychological consultant has focused on the development of a pamphlet on PTSD, which is to be disbursed to beneficiaries within the affected communities as part of the informative/educational component of the first level.

48. A first draft was shared with a Trust Fund’s local implementing partner with experience in psychological support. The LRVs are in the process of being consulted.

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<sup>30</sup> 19 April 2021 Update Report, paras 29-30.

<sup>31</sup> 19 January 2021 Update Report, paras 34-36.

49. Following their input, the consultant is currently finalising the pamphlet, which will then be translated and finally printed to be disbursed starting in September, if the public health situation allows.

50. The consultant also organised meetings with a local psychologist in Bogoro, who will be in charge of identifying local persons who are well placed to receive a training in the management of PTSD and who would, in return for a small stipend, be in charge of the repeated group and family therapy sessions and the sessions of psychoeducation and cognitive-behavioural therapy, under his supervision.

51. The local psychologist proposed to organise collective information meetings in July with several groups of beneficiaries, to present and explain the pamphlet to them and to discuss the upcoming counselling sessions with them, with a view of creating a favourable environment for the implementation of the psychological support modality.

52. However, due to the recent deterioration of the health situation and imposed restrictions, the organisation of group meetings has become impossible.

53. The Trust Fund will closely monitor the public health situation and hopes to organise such group meetings in September with the LRV team present.

**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 19<sup>th</sup> of July 2021

At The Hague, The Netherlands