

**Cour
Pénale
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**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-01/07**
Date: **19 January 2022**

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 seventh 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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REGISTRY

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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 seventh 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-Conf.

² See [Order for Reparations](#), 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-Conf.

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 2021,⁹ 19 April 2021¹⁰, 19 July 2021¹¹, and 19 October 2021¹² (“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”, “19 July 2021 Update Report”, and “19 October 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,¹³ 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,¹⁴ of a proposed alternative method of implementation for the purchase of fish,¹⁵ of the implementation of reparations in relation to motorcycles, fuel and various products,¹⁶ of a proposed alternative method of implementation of the housing assistance modality,¹⁷ and of an implementation proposal related to the psychological support modality.¹⁸ The implementation of the educational assistance modality ended in July 2021.¹⁹

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-Conf.

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 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.

¹² 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.

¹³ See [Order for Reparations](#), para. 304. See also paras 302-303.

¹⁴ 26 July 2019 Update Report, paras 45-46.

¹⁵ 18 November 2019 Update Report, paras 29-33.

¹⁶ 17 July 2020 Update Report, paras 59, 67 and 76.

¹⁷ 19 October 2020 Update Report, para. 48.

¹⁸ 19 January 2021 Update Report, para. 48.

¹⁹ 19 July 2021 Update Report, para. 17.

4. On 3 November 2021, the legal representative of victims (“LRV”) submitted his observations on the 19 October 2021 Update Report (“LRV Observations of 3 November 2021”).²⁰

IV. REGULATION 58 UPDATE REPORT

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

A. Security Situation

6. On 18 December 2021, the state of siege in the provinces of Ituri and North-Kivu was prolonged for a fourteenth time. Based on the Court’s security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. Various armed groups continue to carry out deadly attacks against the Armed Forces of the DRC (“FARDC”) and the civilian population. These armed groups are also engaged in fierce battles with each other, including over control of the mining areas around Mongbwalu and others. Attacks against the civilian population have been recorded within 10 km of Bunia.

B. Public Health Situation

7. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable, but the field office reports a resurgence of new cases. There are no new preventive measures taken by the Congolese government, but those previously established by the government, the UN and the Registry’s Occupational Health Unit are still in force and are respected during all implementation activities.

C. Income-Generating Activities

1. Purchase of motorcycles

8. Following consultations with the Procurement Unit and Finance Section, the Trust Fund ordered the three desired motorcycles relevant to one beneficiary from the identified vendor in December 2021. Last week, the vendor informed the Trust Fund of a stock shortage and his

²⁰ *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes « 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 » (ICC-01/04-01/07-3888-Conf), 3 November 2021, ICC-01/04-01/07-3889-Conf.*

inability to deliver the requested motorcycles. As such, the Trust Fund is forced to restart this purchase procedure, which entails: (i) gathering information from local vendors on the availability of motorcycles currently in stock and their prices; (ii) presenting the updated lists of available motorcycles to the beneficiary for him to choose; and (iii) order the desired motorcycles through a new Purchase Order.

2. Other remaining income-generating activities

9. Following the Trial Chamber's decisions on the applications for resumption of action brought by family members of two deceased victims,²¹ the Trust Fund is currently organising the transfer of funds to the Trust Fund's staff in the Country Office in order to provide the beneficiaries with cattle and various products.

10. In relation to one deceased beneficiary, the LRV currently plans to submit a request for resumption of action.²² Subject to and upon the Trial Chamber's decision on the matter, the Trust Fund will make various products available to the beneficiary to support an income-generating activity.

D. Housing Assistance

11. [REDACTED]

²¹ Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0195/08, 9 November 2021, ICC-01/04-01/07-3891; Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0217/09, 18 November 2021, ICC-01/04-01/07-3892.

²² The dossier in question is that of a/0273/09.

²³ [REDACTED]

²⁴ [REDACTED]

12. [REDACTED]

E. Psychological Support

13. Throughout November and December 2021, the Trust Fund held meetings with the lead psychologist, the locally based psychologist and the LRV, with a view to organising the recruitment of the local resource persons with a background in healthcare or education, who will be in charge of the counselling sessions.

14. Due to the unstable public health and security situation in Ituri, the locally based psychologist was only able to finalise the list of locally based resource persons to be recruited on 19 January 2022 rather than before the end of the year. Accordingly, the Trust Fund will share said list with both legal representatives of victims for their approval.

15. After such approval, or after any potential amendment of this list, the training session on the management of post-traumatic stress disorder can be held with the recruited locally based resource persons, with a view of conducting the actual counselling sessions with beneficiaries over the next couple of months.

²⁵ Email from the LRV to the Trust Fund on 8 December 2021 at 18.04.

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 19th of January 2022

At The Hague, The Netherlands