

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date of original: **19 April 2022**

Date of public redacted version:
5 May 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 Redacted Version

**Eighth quarterly update report pursuant to regulation 58 of the Regulations of the Trust
Fund for Victims
with Confidential Annex A**

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

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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 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-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 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

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

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

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

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

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

¹⁵ 19 October 2020 Update Report, para. 48.

¹⁶ 19 January 2021 Update Report, para. 48.

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.

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. On 26 January 2022, the LRV submitted his observations on the 19 January 2022 Update Report.²³

9. On 11 April 2022, the Trial Chamber issued a decision²⁴ on the request of the LRV of 10 March 2022,²⁵ supported by the LRV of the OPCV in her response of 17 March 2022,²⁶ to which the TFV submitted observations on 21 March 2022.²⁷

¹⁹ 19 July 2021 Update Report, para. 17.

²⁰ 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.

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.

²³ *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes intitulé « Seventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims »* (ICC-01/04-01/07-3893-Conf), 26 January 2022, ICC-01/04-01/07-3895-Conf.

²⁴ Decision on the LRV's request pursuant to rule 99 of the Rules of Procedure and Evidence and additional matters, 11 April 2022, ICC-01/04-01/07-3901-Conf.

²⁵ "*Requête fondée sur la règle 99 du Règlement de procédure et de preuve*", 10 March 2022, ICC-01/04-01/07-3898-Conf.

²⁶ "Response to the "*Requête fondée sur la règle 99 du Règlement de procédure et de preuve*"", 17 March 2022, ICC-01/04-01/07-3899-Conf.

²⁷ Observations in response to the "*Requête fondée sur la règle 99 du Règlement de procédure et de preuve*", 21 March 2022, ICC-ICC-01/04-01/07-3900-Conf.

IV. REGULATION 58 UPDATE REPORT

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

A. Security Situation

11. On 18 April 2022, the state of siege in the provinces of Ituri and North-Kivu was prolonged for a twenty-second 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 continue to take place on an ongoing basis. Lately, on 1 February 2022, an attack involving children described as one of the biggest assaults in almost a year in the country’s eastern region has been recorded at the Plaine Savo camp, which, according to some sources, resulted in the death of 60 people and injury of at least 50.²⁸ Following this, a crash of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) helicopter occurred on 29 March 2022 in North Kivu, which resulted in the death of eight peacekeepers from Pakistan, the Russian Federation and the Republic of Serbia, according to the United Nations Security Council.²⁹

B. Public Health Situation

12. 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 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 and preventive measures against travellers from outside of the DRC who are no longer required to get tested provided they are fully vaccinated. Although there are no new preventive measures taken by

²⁸ “They Survived Guns and Machetes in Congo. They Want the World to Know”, *The New York Times*, accessible at < <https://www.nytimes.com/2022/02/04/world/africa/congo-attack-survivors.html?referringSource=articleShare> >

²⁹ United Nations Security Council, Security Council Press Statement on Crash of United Nations Organization Stabilization Mission Helicopter in Democratic Republic of Congo (29 March 2022), 1 April 2022, accessible at < <https://reliefweb.int/report/democratic-republic-congo/security-council-press-statement-crash-united-nations-organization> >

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 during all implementation activities.

C. Income-Generating Activities

13. As reported in the Seventh Update Report, the purchase procedure for motorcycles for one remaining beneficiary needed to restart. The process is underway. Moreover, one beneficiary who opted for income-generating activities instead of the payment of school fees will also receive reparations shortly. No additional beneficiaries are currently awaiting implementation of this modality.

D. Housing Assistance

14. [REDACTED].

15. [REDACTED].

16. [REDACTED].

17. [REDACTED].

18. [REDACTED].

19. [REDACTED].

20. [REDACTED].

21. [REDACTED].

22. [REDACTED].

E. Psychological Support

23. Throughout February and March 2022, the lead psychologist and the locally based psychologist engaged by the Trust Fund held interviews [REDACTED] with a view to recruiting the local resource persons with a background in healthcare or education, who will be in charge of the counselling sessions. As a result of this process, several persons [REDACTED] were selected. [REDACTED].

24. The Trust Fund also shared said list with the Legal Representative from the Office of Public Counsel for Victims, as well as a general update on the implementation of the psychological assistance modality.

25. Following this process, theoretical and practical training sessions on the management of post-traumatic stress disorder were held by the lead psychologist assisted by the locally based psychologist recruited by the Trust Fund with the thus recruited locally based resource persons. These training sessions [REDACTED] have finished recently [REDACTED]. The persons in charge of the counselling sessions also benefit from ongoing supervision and support from the locally based psychologist engaged by the Trust Fund over a period of several months in order to ensure the sustainability of the implementation of this specific modality.

26. The Trust Fund will inform the Chamber about their outcome and the potential challenges hence encountered once it receives reports from the lead psychologist and from the locally based psychologist in this respect.

F. Monitoring and evaluation

27. The Trust Fund contracted an external evaluation team at the end of the 2021 year and, as a result, a monitoring and evaluation process has already started. The Trust Fund will inform the Chamber on an ongoing basis of the progress made in this respect.

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 5th of May 2022
(Date of original 19 April 2022)
At The Hague, The Netherlands