

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



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No.: **ICC-01/04-01/07**  
Date: **19 January 2023**

**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 of  
Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust  
Fund for Victims**

**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****Counsel for Germain Katanga**

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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 reports starting with a first report on 17 July 2020,<sup>1</sup> the Trust Fund hereby provides the Trial Chamber with its Eleventh 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.<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 reparation 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](#).

<sup>2</sup> See Order for Reparations pursuant to Article 75 of the Statute With one public annex (Annex I) and one confidential annex *ex parte*, Common Legal Representative of the Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II), 24 March 2017, [ICC-01/04-01/07-3728-tENG](#) (“[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](#).

<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> 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<sup>15</sup> and of an implementation proposal related to the psychological support modality.<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](#).

<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](#). ("Third quarterly update report, 19 January 2021").

<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> 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](#), paras 45-46.

<sup>13</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](#), paras 29-33.

<sup>14</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](#), paras 59, 67 and 76.

<sup>15</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](#), para. 48.

<sup>16</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](#), para. 48.

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>

5. On 5 May 2021, the Trial Chamber issued a decision (“Decision of 5 May 2021”),<sup>18</sup> 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.

6. In July 2021, the implementation of the educational assistance modality ended.<sup>19</sup>

7. The Trust Fund also recalls its quarterly update reports on the implementation of collective reparation awards submitted on 19 July 2021,<sup>20</sup> 19 October 2021,<sup>21</sup> 19 January 2022<sup>22</sup>, 19 April 2022<sup>23</sup> and 19 July 2022.<sup>24</sup>

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

<sup>18</sup> Decision on requests related to the implementation of collective reparations, 5 May 2021, [ICC-01/04-01/07-3881-Conf](#).

<sup>19</sup> 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](#) (“Fifth quarterly update report, 19 July 2021”), para. 17.

<sup>20</sup> Fifth quarterly update report, 19 July 2021.

<sup>21</sup> 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](#).

<sup>22</sup> 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](#) (“Seventh quarterly update report, 19 January 2022”).

<sup>23</sup> Eighth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2022, [ICC-01/04-01/07-3902-Conf](#) (“Eighth quarterly update report, 19 April 2022 or Eighth Update Report”).

<sup>24</sup> Ninth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 July 2022, [ICC-01/04-01/07-3905-Conf](#) (“Ninth quarterly update report, 19 July 2022”).

8. The Trust Fund submitted its latest quarterly update report on the implementation of collective reparation awards on 19 October 2022.<sup>25</sup>

#### IV. REGULATION 58 UPDATE REPORT

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

##### A. Security Situation

10. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. On 13 January 2023, the DRC Government authorised the extension of the state of siege in the provinces of Ituri and North-Kivu. According to the government, this decision will allow the Armed Forces of the DRC ("FARDC") to consolidate the achievements of previous operations and to continue actions to restore peace and security in Eastern DRC.<sup>26</sup> During the reporting period armed groups continued to carry out deadly attacks against the Armed Forces of the DRC ("FARDC") and the civilian population. An increase in the number of attacks was noted, in particular in the Djugu territory where both *Coopérative pour le développement du Congo* (CODECO) and *milice d'autodéfense Zaïre* are active. They are also engaged in fierce battles with each other, including over control of the mining areas around Mongbwalu, amongst others. Their attacks against the civilian population continue to take place on a regular basis. A newly composed armed group has emerged: *Mouvement d'auto-défense Populaire de l'Ituri* ("MAPI")<sup>27</sup> whose objective is said to be to support the FARDC.

11. [REDACTED].

12. In North Kivu province, the previous reporting period was marked by the serious progress made by the *Mouvement du 23 mars* ("M23") movement, who have managed to tighten their presence in several territories, cutting Goma off from a major part of the province. Battles have

<sup>25</sup> Tenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2022, [ICC-01/04-01/07-3907-Conf](#) ("Tenth quarterly update report").

<sup>26</sup> "RDC: le gouvernement adopte le projet d'ordonnance loi autorisant la prorogation de l'état de siège en Ituri et au Nord-Kivu" accessible at <<https://actualite.cd/2023/01/15/rdc-le-gouvernement-adopte-le-projet-dordonnance-loi-autorisant-la-prorogation-de-letat>>

<sup>27</sup> "Sécurité: un nouveau groupe armé dénommé « MAPI » surgit en Ituri" accessible at <<https://www.politico.cd/encontinu/2023/01/08/securite-un-nouveau-groupe-arme-denomme-mapi-surgit-en-ituri.html/125661/>>

reached close to Goma, leading to high numbers of casualties and making the population of Goma, as well as the displaced population, very anxious. During the last few days, withdrawal movements of the M23 from some localities have been observed in accordance with the Luanda cease-fire agreement.<sup>28</sup> Regardless, such withdrawal movements are still not considered to have met the Luanda cease-fire agreement.<sup>29</sup>

## **B. Public Health Situation**

13. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable. The Country 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. Travellers from outside of the DRC are no longer required to get tested before entering the territory, provided they are fully vaccinated. Although there are no new preventive measures taken by 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 by the TFV during all implementation activities.

## **C. Income-Generating Activities**

14. As reported in the Seventh,<sup>30</sup> Eighth,<sup>31</sup> Ninth,<sup>32</sup> and Tenth quarterly update reports,<sup>33</sup> only one beneficiary is still to benefit from the modality of income-generating activities. The purchase procedure for motorcycles needed to start anew. As mentioned in the previous reports quoted above, as soon as feasible, the motorcycles required for the income generating activities will be delivered to the beneficiary, after contacting the LRV in this respect.

<sup>28</sup> “Nord-Kivu : le M23 se retire de plusieurs localités de Rutshuru”, <https://www.radiookapi.net/2023/01/16/actualite/securite/nord-kivu-le-m23-se-retire-de-plusieurs-localites-de-rutshuru>

<sup>29</sup> “Kinshasa prend acte du refus du M23 d'exécuter les recommandations de Luanda”, <https://www.radiookapi.net/2023/01/19/actualite/politique/kinshasa-prend-acte-du-refus-du-m23-dexecuter-les-recommandations-de>

<sup>30</sup> Seventh quarterly update report, 19 January 2022, para. 9.

<sup>31</sup> Eighth quarterly update report, 19 April 2022, para. 13.

<sup>32</sup> Ninth quarterly update report, 19 July 2022, para. 14.

<sup>33</sup> Tenth quarterly update reports, 19 October 2022, para. 13.

#### **D. Housing Assistance**

15. [REDACTED].
16. [REDACTED].
17. [REDACTED].
18. [REDACTED].
19. [REDACTED].
20. [REDACTED].
21. [REDACTED].
22. [REDACTED].
23. [REDACTED].

#### **E. Psychological Support**

24. In early November 2022, following the four training sessions for the recruited locally based resource persons in charge of providing counselling sessions, the psychological counselling phase was launched. During the launch of this phase, each locally based resource person in charge of providing counselling sessions received a kit consisting of a list of relevant beneficiaries, a field manual, and an evaluation survey. As soon as they received the kit, the locally based resource persons in charge of providing counselling sessions set to work.

25. The first step was to contact the beneficiaries by phone in order to update their current physical address and make an appointment for a home visit. Of 265 beneficiaries whose contacts were given to the locally based resource persons in charge of providing counselling sessions, 198 (75%) were reached. A further 59 (25%) could not be reached, either because of inactive phone numbers, or they had moved to remote areas or outside the country. A total of 30 victims refused to participate in the survey. Among them are beneficiaries who are sceptical about psychological support, or say they have learned to cope or consider that it will be of no use considering that those who harmed them still have weapons and are now located only four kilometres from their village. This situation greatly frightens beneficiaries. The locally based resource persons in charge of providing counselling sessions note that the victims whose psychological health was improving are



impacted. In the coming days, the psychologist team is planning a meeting to assess any mitigation measures to be adopted.

26. The locally based resource persons in charge of providing counselling sessions have already started the counselling with available beneficiaries. Sessions are tailored to the needs of the beneficiaries. In December 2022, the focus was put on the continuation of counselling, contacting unreachable beneficiaries, and consultations with the lead psychologist consultant team on complicated cases. To date, 44 beneficiaries remain unreachable and the LRV's support has been sought to reach out to them.

27. The lead psychologist's team has reported encouraging progress regarding beneficiaries having accepted to meet with the locally based resource persons in charge of providing counselling sessions. As for those who refused to meet them, the Trust Fund engages progressively with the various stakeholders in order to collaboratively determine the appropriate way forward.

28. The Trust Fund reiterates that it will continue to closely monitor the implementation of this modality as much as needed. The Trust Fund will be working closely with the psychologist team.

29. The Trust Fund would also like to reaffirm its appreciation for the LRV's strong support in this process which has extensively contributed to the success of this modality.

30. Finally, the Trust Fund renews its commitment to continue informing the Chamber about the outcomes and the potential challenges encountered as part of this modality upon receiving reports from the lead psychologist and from the locally based psychologist in this respect.<sup>34</sup>

## **F. Evaluation**

31. The evaluation activity conducted by an external party contracted by the Trust Fund is ongoing. Interviews with beneficiaries have occurred while interviews with other relevant stakeholders who played a role in the design and implementation of the *Katanga* continued over the last three months in Ituri Province as well as in the Hague. The evaluation team has presented at a side event of the Assembly of States Parties and to the Board of Directors of the Trust Fund preliminary results of their analysis.

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<sup>34</sup> Ninth quarterly update report, 19 July 2022, para. 31.

32. In accordance with its previous commitment in this respect, the Trust Fund reiterates that it will report to the Chamber on the evaluation's findings in due course and will, in any event, continue informing the Chamber on an ongoing basis of the progress made in that regard.<sup>35</sup>

## **FOR THE FOREGOING REASONS**

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



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Franziska Eckelmans  
Acting Executive Director of the Trust Fund for Victims

Dated this 19<sup>th</sup> of January 2023

At The Hague, The Netherlands

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<sup>35</sup> Ninth quarterly update report, 19 July 2022, para. 32.