

Annex A



Final Narrative Report
of the
Trust Fund for Victims
on the implementation of reparations awarded to
the victims of the crimes for which Mr Germain
Katanga has been convicted by the
International Criminal Court

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1. This document, Annex A of the “Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims”, contains the final narrative report of the Trust Fund for Victims (TFV) pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (TFV Regulations) of the implementation of reparations awarded to the victims of the crimes for which Mr Germain Katanga has been convicted by the International Criminal Court (ICC). It needs to be read in conjunction with Annex B to the same filing, which is the final financial report (Annex B - Financial Report).

I. APPROACH TO THIS REPORT

2. Pursuant to TFV Regulations 50(b) and 54, the TFV has been seized by Trial Chamber II’s order for reparations awarding individual and collective reparations to 297 victims with an amount of liability for Mr Katanga of USD 1 million. The order was issued on 24 March 2017 (Reparations Order)¹ and was in large part confirmed on appeal on 8 March 2018.²

3. Pursuant to TFV Regulations 54, 55 and 57 and the Trial Chamber’s directions, the TFV developed a draft implementation plan (DIP)³ in consultation with, in particular, victims and the Legal Representative of Victims (LRV) and the Legal Representative of Victims of the Office of Public Counsel for Victims (OPCV LRV, jointly referred to as LRVs). The TFV had planned that an implementing partner would be contracted by the TFV for the implementation of the awards.⁴

4. The TFV submitted the DIP as approved by the TFV Board of Directors pursuant to TFV Regulation 55 to the Trial Chamber on 25 July 2017. The LRVs and the Defence filed submissions on the DIP.⁵ On 9 October 2017, the TFV and LRV jointly filed submissions amending the proposal in the DIP by stating that the individual awards for the victims living in

¹ Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-tENG.

² Public redacted Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute”, 9 March 2018, [ICC-01/04-01/07-3778-Red](#).

³ Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728), 25 July 2017, [ICC-01/04-01/07-3751](#).

⁴ DIP, para 52.

⁵ *Observations relatives au projet de plan de mise en œuvre déposé par le Fonds au profit des victimes en exécution de l’Ordonnance de réparation en vertu de l’article 75 du Statut* (ICC-01/04-01/07-3751-Red), 11 September 2017, [ICC-01/04-01/07-3763-Conf](#). A public redacted version was filed on 12 September 2017: [ICC-01/04-01/07-3763-Red](#); *Observations on the Trust Fund for Victims’ Draft Implementation Plan Relevant to the Order for Reparations*, 11 September 2017, [ICC-01/04-01/07-3762-tENG](#); *Defence Observations on the TFV’s Draft implementation plan*, 11 September 2017, [ICC-01/04-01/07-3764](#).

Ituri Province would be disbursed by the TFV itself.⁶ On 12 October 2017, the Trial Chamber approved the DIP insofar as the implementation of the individual awards was concerned.

5. The Trial Chamber approved the implementation of the different modalities of the collective reparations throughout the implementation process upon the TFV's presentation of detailed proposals of the methods to be applied, which were subject to prior consultations with the LRVs as well as, insofar as possible, with the victims. These modalities were implemented by staff or experts directly contracted by the TFV.

6. The implementation of the individual awards was completed in August 2018, when all 297 victims found eligible by the Trial Chamber received each an individual award of USD 250.

7. The implementation of the collective award was completed on 6 October 2023, when the last of the 297 beneficiaries received the items of their choice to facilitate an income-generating activity (IGA) and following the completion in 2023 of the implementation of the the housing and psychological support modalities.⁷

8. In 2020, the TFV conducted a competitive procurement process to commission an external evaluation of the programme, resulting in the selection of the University of Edinburgh in 2021. Data for this evaluation was collected in late 2022. The final report of this evaluation is included to the filing in **Annex C**. The results of this evaluation also inform the assessment (VII) of the TFV in this Report.

9. This Report will dedicate one section (III) to setting out the framework of implementation as established by the Reparations Order and the DIP, before focusing specifically on the methods and results of the implementation of the individual awards (IV) and of the various modalities of the collective award (V).

10. Given that the implementation addresses reparations for victims of the crimes against humanity and war crimes committed on 24 February 2003 in Bogoro, Ituri Province, DRC, the first section (II) of this Report provides the background to the crimes, the conviction by the ICC and the process leading to the issuance of the Reparations Order.

⁶ Joint Submission Concerning the Draft Implementation Plan Filed by the Trust Fund for Victims in Conformity with the Order for Reparations Pursuant to Article 75 of the Statute (ICC-01/04-01/07-3751-Red), 09 October 2017, [ICC-01/04-01/07-3767-Conf-tENG](#). A public redacted version was filed on the same day: [ICC-01/04-01/07-3767](#).

⁷ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916](#), paras 8, 9.

II. BACKGROUND

The attack on Bogoro of 24 February 2003

11. Bogoro is a village in Ituri Province, in the north-east of the Democratic Republic of the Congo (DRC). Situated between Bunia and the border with Uganda, it was a strategic place location for the Union of Congolese Patriots (UPC) that had a camp in the middle of the town. Their presence prevented the Lendu communities from using the road to reach Bunia. Lendu rebels therefore targeted this village in order to dislocate UPC military forces, which had been shelling the Lendu villages around Bogoro. However, the Lendu attack against Bogoro was, in addition to a tactical military operation, a reprisal operation against the Hema civilian population.⁸ On 24 February 2003, Bogoro was attacked by the Nationalist and Integrationist Front (FNI) and the Front for Patriotic Resistance in Ituri (FRPI), respectively Lendu and Ngiti militias who killed, imprisoned and sexually assaulted hundreds of civilians.⁹

12. Mr Germain Katanga was a leader of the FRPI that took part in the attack on the village.¹⁰

Prosecution and conviction of Mr Katanga by the ICC

13. After a referral by the Government of the DRC of the situation on its territory, the Prosecutor of the ICC initiated an investigation in relation to the situation in the DRC on 21 June 2004. A warrant of arrest was issued against Mr Katanga on 2 July 2007 and was unsealed on 18 October 2007. Mr Katanga was transferred from the DRC to the Detention Centre in The Hague, the Netherlands on 17 October 2007. The confirmation hearing was held from 27 June to 16 July 2008 before Pre-Trial Chamber I, and on 26 September 2008 the judges of Pre-Trial Chamber I confirmed charges of war crimes and crimes against humanity, including murder, attack against a civilian population, rape, sexual slavery, use of children under the age of 15 years in armed hostilities, as well as destruction of property and pillaging against Mr Katanga. The trial commenced on 24 November 2009, and the parties and participants delivered their closing statements from 15 to 23 May 2012. A total of 366 victims, including former child soldiers and victims of rape and sexual violence, were admitted to participate in the proceedings represented by the LRV. On 7 March 2014, Trial Chamber II (Trial Chamber), by majority,

⁸ United Nations, Special report on the events in Ituri, January 2002-December 2003, 16 July 2004, S/2004/573, para. 64.

⁹ Decision on the confirmation of charges, 30 September 2008, [ICC-01/04-01/07-717](#).

¹⁰ Case information sheet, The Prosecutor v. Germain Katanga, July 2021 (updated), [ICC-PIDS-CIS-DRC-03-014/18_Eng](#).

rendered its verdict in the case *The Prosecutor v. Germain Katanga*.¹¹ The Trial Chamber found Germain Katanga guilty, as an accessory, within the meaning of article 25(3)(d) of the Rome Statute, of one count of crime against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of enemy property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, in the Ituri province of the DRC.¹²

14. The Trial Chamber found that it had been established beyond reasonable doubt that Germain Katanga had made a significant contribution to the commission of the crimes by the Ngiti militia, which was acting with a common purpose, by assisting its members to plan the operation against Bogoro. The Trial Chamber found that Germain Katanga acted in the knowledge of the criminal common plan devised by the militia to target the predominantly Hema population of Bogoro. The crimes of murder, attacking civilians, destroying property and pillaging were part of the common plan. The Trial Chamber found that Mr Katanga was the intermediary of choice between the weapons and ammunition suppliers and those who physically committed the crimes using those munitions in Bogoro. He contributed to reinforcing the strike capability of the Ngiti militia that carried out the crimes committed in Bogoro on 24 February 2003. He also contributed by virtue of his position in Aveba – the only location in the region with an airport which could accommodate aircraft transporting weapons – to equipping the militia and enabling it to operate in an organised and efficient manner. His involvement allowed the militia to avail itself of logistical means, thus enabling it to secure military superiority over its adversary. However, the Trial Chamber dismissed the mode of liability as principal perpetrator, since it was not proven beyond reasonable doubt that Mr Katanga had the material ability to give orders within the armed group, or could ensure their implementation, or that he had the authority to discipline camp commanders.¹³

15. Trial Chamber II acquitted Mr Katanga of rape and sexual slavery as a crime against humanity and the war crimes of using children under the age of fifteen years to participate actively in hostilities, sexual slavery, and rape. The Trial Chamber found that there was evidence beyond reasonable doubt that the crimes of rape and sexual slavery were committed. Regarding the crime of using child soldiers, it found that there were children within the Ngiti militia and among the combatants who were in Bogoro on the day of the attack. However, the

¹¹ Judgment pursuant to article 74 of the Statute, 7 March 2014, ICC-01/04-01/07-3436-tENG.

¹² *Ibid.*

, Disposition.

¹³ Case information sheet, *The Prosecutor v. Germain Katanga*, July 2021 (updated), [ICC-PIDS-CIS-DRC-03-014/18_Eng.](#)

Trial Chamber concluded that the evidence presented in support of the accused's guilt did not satisfy it beyond reasonable doubt of the accused's responsibility for these crimes.¹⁴ He was therefore not convicted of such crimes.

16. On 23 May 2014, the Trial Chamber, by majority, sentenced Mr Katanga to a total of 12 years imprisonment.¹⁵ The time spent in detention at the ICC – between 18 September 2007 and 23 May 2014 – was deducted from his sentence. On 25 June 2014, the Mr Katanga and the Prosecutor discontinued their respective appeals against the verdict.¹⁶ Therewith the conviction and sentence became final and the reparations phase of the proceedings commenced. On 13 November 2015, a panel of three judges of the Appeals Chamber decided to reduce Mr Katanga's sentence by 3 years and 8 months. Accordingly, Mr Katanga's term of imprisonment ended on 18 January 2016, 30 days after he had been transferred – on 19 December 2015 – to a prison facility in the DRC to serve the remainder of his sentence.¹⁷

C. Judicial reparations proceedings

17. The judicial reparations proceedings started in August 2014 and ended in July 2018, soon after the Appeals Chamber's judgment on the order for reparations ("Reparations Order") was delivered on 8 March 2018.

18. In parallel to the reparations proceedings, in the second half of 2015, proceedings were held pursuant to article 110 of the Statute by a three-person panel of the Appeals Chamber to consider whether Mr Katanga's sentence should be reduced, as reported in the previous section. In these proceedings, Mr Katanga submitted a recorded apology to the victims,¹⁸ which the victims, in majority, however, did not wish to accept.¹⁹

19. The procedural history of the judicial reparations proceedings are comprehensively set out in Trial Chamber II's Reparations Order²⁰, in the Appeals Chamber's Judgment on the

¹⁴ Case information sheet, The Prosecutor v. Germain Katanga, July 2021 (updated), [ICC-PIDS-CIS-DRC-03-014/18 Eng.](#)

¹⁵ Trial Chamber II, ICC-01/04-01/07-3484, pp. 70-71. Decision on Sentence pursuant to article 76 of the Statute, 23 May 2014, ICC-01/04-01/07- 4384-tENG, para 147.

¹⁶ Notice of Discontinuance of the Prosecution's Appeal against the Article 74 Judgment of Conviction of Trial Chamber II dated 7 March 2014 in relation to Germain Katanga, 25 June 2014, ICC-01/04-01/07-3498; Defence Notice of Discontinuance of Appeal against the "Jugement rendu en application de l'article 74 du Statut" rendered by Trial Chamber II on 7 April 2014, 25 June 2014, ICC-01/04-01/07-3497.

¹⁷ Case information sheet, The Prosecutor v. Germain Katanga, July 2021 (updated), [ICC-PIDS-CIS-DRC-03-014/18 Eng.](#)

¹⁸ Defence Submission of a Video Recording of Mr Germain Katanga, 8 October 2015, ICC-01/04-01/07-3606.

¹⁹ Decision on the review concerning reduction of sentence of Mr Germain Katanga, 13 November 2015, ICC-01/04-01/07-3615, para 102.

²⁰ Annex I to the Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-AnxI-tENG.

appeals against the Reparations Order²¹ and in the final decision of the Trial Chamber of 19 July 2018 on the issue that was remanded for consideration.²²

20. The table below enlists the main events that took place as part of the judicial proceedings.

Description of events relevant to judicial reparations proceedings	Timeline
Registry's (VPRS') consultation of victims on the harm suffered and response of LRV thereto	August 2014 to January 2015
Parties' and participants' submissions/observations (including TFV's) on the reparations principles, the extent of harm, damage and loss suffered and appropriate modalities of reparations	April 2015 to June 2015
VPRS' and LRV's common collection of information/forms of about 300 participating victims	May to October 2015
LRV's submission of requests for reparations of victims to the Trial Chamber through the Registry (VPRS)	November 2015 to February 2016
LRV's submission to the Trial Chamber on categories of harm suffered by the victims	May 2016
Psychologist expert's report engagement with victims	May 2016
Parties' and TFV's assessment of monetary value of harm suffered and related filings	July to October 2016
LRV's proposal regarding modalities of reparations	December 2016
Trial Chamber II's appointment of OPCV lead counsel (referred to as "OPCV LRV") as second LRV upon withdrawal of LRV from representing 14 applicants	15 March 2017
Reparations Order by Trial Chamber II	24 March 2017
Appeal by LRV, OPCV LRV and Mr Katanga against the Reparations Order	25 and 26 April 2017
Parties' and participants' submissions and observations before the Appeals Chamber (TFV was granted leave to submit observations)	June to October 2017
Appeals Chamber's Judgment largely confirming the Reparations Order except for one issue that was remanded	8 March 2018
Trial Chamber's proceedings on the matter (transgenerational harm) remanded by the Appeals Chamber	March to July 2018 (final decision on 19 July 2018)

²¹ Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled "Order for Reparations pursuant to Article 75 of the Statute", 8 March 2018, ICC-01/04-01/07-3778, part II.

²² Decision on the Matter of the Transgenerational Harm Alleged by Some Applicants for Reparations Remanded by the Appeals Chamber in its Judgment of 8 March 2018, 19 July 2018, ICC-01/04-01/07-3804, part I.

1. Feature 1 – views of victims and role of LRV

21. This overview shows that the views of victims were presented to the Trial Chamber repeatedly throughout the process, in particular through several, including *proprio motu*, interventions of the LRV and also through the Registry's Victims Participation and Reparations Section (VPRS).

22. The original views of victims is important for the context of this Report: Upon interviewing 305 of 365 participating victims, the Registry reported on 15 December 2014 that victims showed a strong preference for awards of reparations where the victim would receive individual material benefits, over those involving collective ownership projects or benefitting the community as a whole.²³ The victims expressed overwhelmingly negative views in relation to collective projects they had experienced or heard about implemented by other humanitarian actors,²⁴ [OBJ] to ensure that they receive what they needed and to restore their self-sufficiency. Further, in a context of ongoing insecurity in the region, it seemed to them that it was the only way it could be ensured they could obtain a tangible reparation [OBJ].

23. This view of victims was supplemented by the LRV in his submission of 8 January 2015,²⁵ expressing the victims' strong preference for economic and financial measures, which the LRV explained by the state of need in which they found themselves as a result of the crimes they had suffered. The consultation revealed an overall rejection of measures that would benefit the community only, or that would involve some form of joint management. The victims wanted reparations that benefitted them individually and they wished these were adapted to their needs, abilities and skills.

24. Thereafter, the LRV submitted key information to the Trial Chamber throughout the judicial reparations proceedings based on consultations held with the victims. In addition to the set of submissions of 2015 by all parties and participants, including the LRV, the LRV filed a submission on 13 May 2016, upon the filing of the applications for reparations, and informed the Trial Chamber that the harm alleged by the victims could be divided into three categories 1) physical or bodily harm; 2) moral or psychological harm – linked to the trauma of the attack, to the loss of a close family member, to forced departure, displacement and separation from family members, to the loss of social status, to bodily injury; 3) material or economic harm.

²³ Registry's Report on Applications for Reparations in accordance with Trial Chamber II's Order of 27 August 2014, 15 December 2014, [ICC-01/04-01/07-3512](#).

²⁴ Annex 2 to the Registry's Report on Applications for Reparations in accordance with Trial Chamber II's Order of 27 August 2014, 15 December 2014, [ICC-01/04-01/07-3512-Conf-Exp-Anx2-Corr](#)

²⁵ *Observations des victimes sur les réparations (Articles 68(3) et 75 du Statut ; Règles 89 à 93 et 97 du Règlement de procédure et de preuve)*, 8 January 2015, [ICC-01/04-01/07-3514-Conf](#). A public redacted version was filed on 27 January 2015: [ICC-01/04-01/07-3514-Red](#).

25. On 8 December 2016, the LRV submitted the victims' proposals regarding the modalities of reparations in the case.²⁶ The proposed reparations, based on a range of four collective measures depending on the harm actually suffered, were as follows: (1) a housing support measure; (2) support for an income-generating activity; (3) education assistance; (4) a measure to provide psychological support; (5) in addition to these four measures a symbolic measure: the award of a symbolic Euro to each victim.

26. The LRV proposed that the Trial Chamber adopt a categorisation of victims according to the harm they have suffered. They proposed to create four categories of victims in descending order of the extent of the harm suffered.

- a. Category one, composed of victims who had lost their home and contents, their large livestock and income from livestock farming and, possibly, one or more relatives; and victims who had lost all the assets they should have inherited and their two parents or the surviving parent;
- b. Category 2, consisting of claimants who had lost their home and contents (including furniture, personal belongings, small livestock, plot crops) and, possibly, one or more relatives;
- c. Category 3, composed of applicants who had suffered a loss of standard of living;
- d. Category 4 composed of one legal entity, a school.

27. In accordance with the harm suffered, and as relevant to each applicable category, the victims would receive the relevant reparations measures. The LRV nevertheless proposed that all victims living in Ituri Province additionally receive psychological support and the payment of one symbolic Euro.

2. Feature 2 – Identification of victims and eligibility process

28. Another important feature of the judicial reparations proceedings is the identification and eligibility process. This process was guided by the VPRS, which had the task to identify victims who would fall within the scope of the conviction. Such victims and the participating victims falling within the scope of the conviction could apply for reparations, as facilitated by VPRS and the LRV. Only those victims who filed applications in a timely manner before the Trial Chamber could be found eligible in the *Katanga* case for reparations. The Trial Chamber

²⁶ *Propositions des victimes sur des modalités de réparation dans la présente affaire (Article 75 du Statut et norme 38-1-f du Règlement de la Cour)*, 8 December 2016, [ICC-01/04-01/07-3720](#).

ruled conclusively in the Reparations Order on the issue of eligibility; later application or determinations of eligibility were effectively precluded.²⁷

3. Feature 3 – Involvement of an expert

29. On 31 May 2016, the RLV transmitted a report to the Trial Chamber which included observations gathered by an expert in neuropsychiatry who had gone on mission to Ituri, DRC to meet with victims and map their psychological wellbeing.²⁸ The expert met with 52 individuals among which were 26 individuals who submitted reparations applications to the LRV. The expert made recommendations on addressing the psychological trauma suffered by the population of Bogoro during the attack on 24 February 2003. They recommended individual psychological treatment involving cognitive and behavioural therapy. In the absence of available local expertise to provide treatment, the expert also suggested an approach to achieve "inexpensive and effective treatment, using group and family therapy, which are possible in a context of limited human and material resources".²⁹

4. Feature 4 – submissions on liability of Mr Katanga

30. Soon after the Appeals Chamber Judgment of 3 March 2015 on the order of reparations in the parallel case of *The Prosecutor v. Thomas Lubanga Dyilo*,³⁰ which set the scene for reparations proceedings and the essential parts of an order for reparations, the Trial Chamber in the present case requested the parties and participants to make submissions on the liability of Mr Katanga and the amount relevant thereto. The LRV requested the Trial Chamber to consider that all of the harm suffered be assessed at a minimum total amount of USD 16,405,890, based on an assessment of the monetary harm derived through consultations held with the victims on the harm they suffered.³¹

31. The Defence underlined throughout its submissions that Mr Katanga was considered indigent, and underlined his responsibility for the crimes committed, given Mr Katanga was convicted as an accessory to the crimes.³²

²⁷ Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-tENG, *see, e.g.*, disposition.

²⁸ Transmission du « Rapport d'expertise sur l'évaluation de l'état psychique des enfants victimes de l'attaque de Bogoro du 24 février 2003 », 31 May 2016, ICC-01/04-01/07-3692-Red2.

²⁹ *Ibid.*

³⁰ *Lubanga*, Appeals Chamber, Appeals Judgment on Reparations, ICC-01/04-01/06-3129.

³¹ *Réponse aux observations de la Défense et du Fonds au profit des victimes sur l'évaluation monétaire du préjudice subi par les victimes* (ICC-01/04-01/07-3711 et ICC-01/04-01/07-3714-Red), 14 October 2016, [ICC-01/04-01/07-3716](#).

³² Defence Observations on the Monetary Value of the Alleged Harm, 30 September 2016, [ICC-01/04-01/07-3711](#).

III. FRAMEWORK FOR REPARATIONS IMPLEMENTATION

32. The framework for the implementation of reparations and results sought in the programme were defined by the Reparations Order and reflected in the DIP. The events within the year after the submission of the DIP provided further changes to this framework, for both the individual awards and the collective award.



Framework established by the Reparations Order

33. The Reparations Order of 24 March 2017, awarded individual and collective reparations to the victims of crimes for which Mr Katanga had been convicted.³³ The Trial Chamber found that 297 out of the 341 applicants had shown, to the standard of proof of a balance of probabilities, that they were victims of the crimes of which Mr Katanga was convicted.

34. Among those 297 applicants, 283 were represented by the LRV and 14 were represented by the OPCV LRV, following the Chamber's decision of 15 March 2017 granting the Legal Representative's request to withdraw from his representation agreement in respect of those 14 applicants and appointing the OPCV LRV to represent them.³⁴

35. The Trial Chamber, by reference to the eligible victims, assessed the total monetary value of the extent of the harm suffered by these victims at USD 3,752,620. Given Mr Katanga was only responsible as accessory to the crimes, the Trial Chamber set the sum-total of Mr Katanga's liability for reparation at USD 1,000,000. The Trial Chamber found Mr Katanga indigent for the purpose of reparations at the time of the order, but determined that his financial situation could not be regarded as consequential to the determination of the size of the reparations award for which he was liable. The Trial Chamber awarded the 297 victims with:

- a. individual reparations, namely compensation in the form of a symbolic award of USD 250; in that regard, the Trial Chamber concurred with the LRV that the symbolic amount gives acknowledge, in a personal and symbolic of sense, of the harm done and suffering occasioned;³⁵ while not "intended as compensation for the harm in its entirety", the Trial Chamber believed that it "may provide some measure of relief for the harm suffered" and "help victims become financially independent" based on their own needs.³⁶

³³ Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#).

³⁴ Decision on the Application made by the Common Legal Representative of Victims on 2 March 2017, ICC-01/04-01/07-3727-tENG.

³⁵ Reparations Order, paras 298, 299.

³⁶ Reparations Order, para. 300.

- b. collective reparations designed to benefit each victim for the harm suffered individually and collectively, in the form of support for housing, support for an income-generating activity, support for education, as well as psychological support, as requested by the LRV based on the consultations with the victims. In that regard the Trial Chamber underlined the need to retain flexibility and to ensure that the “reparations are commensurate to the harm suffered by each of the victims”, which could be achieved by categorisation of beneficiaries e.g. by person or extent of harm suffered.³⁷

36. The Trial Chamber underlined by reference to the principles on reparations that the reparations are intended to remedy to the extent possible the harms suffered and that reparations should be meaningful to the victims, as well as appropriate, adequate and swift.³⁸ In addition, it underlined the need that victims be fully informed and that their trust be fostered.³⁹

37. The Trial Chamber directed the TFV to prepare a DIP within three months and as necessary involving experts, setting out a programme describing the projects that the TFV intended to develop. In line with the principles of reparations established in the case *The Prosecutor v. Thomas Lubanga Dyilo*, and adopted for this case by the Trial Chamber,⁴⁰ the TFV was to foresee “appropriate measures to ensure the safety, the physical and psychological well-being, and the privacy of the victims”, “proceed on a gender-inclusive basis, such that reparations are accessible to all the victims”. The Trial Chamber also suggested that priority may need to be given to particularly vulnerable victims.⁴¹

38. The Trial Chamber recalled that, in selecting the projects, the TFV may take account of the awards or benefits received by victims from other bodies so as to guarantee that reparations are not applied unjustly or in a discriminatory manner,⁴² but invited the TFV to take into account only the most significant activities undertaken in Bogoro.⁴³

³⁷ Reparations Order, para. 305

³⁸ Reparations Order, paras 15, 267.

³⁹ Reparations Order, para. 306.

⁴⁰ Reparations Order, para. 30.

⁴¹ Reparations Order, para. 310.

⁴² Lubanga, Appeals Chamber, Order for Reparations, ICC-01/04-01/06-3129-AnxA, para. 9; See e.g. “*Requête des victimes sollicitant par l’entremise de la Chambre l’intervention de la République Démocratique du Congo au processus des réparations*”, 24 March 2016, ICC-01/04-01/07-3674, paras. 20-2; First Defence Observations, 24 February 2016, ICC-01/04-01/07-3660-Red, para. 20; Defence Observations of 14 May 2015, ICC-01/04-01/07-3549, para. 14 and Defence Consolidated Response of 16 June 2015, ICC-01/04-01/07-3564, paras. 93-97; See e.g. Victims’ Request of 24 March 2016, ICC-01/04-01/07-3674, paras. 20-21; “Defence Response to the *Requête des victimes sollicitant par l’entremise de la Chambre l’intervention de la République Démocratique du Congo au processus des réparations*”, dated 15 April 2016, [French] translation registered on 25 April 2016, ICC01/04-01/07-3683, para. 5, as cited in Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-tENG, paras 319.

⁴³ Reparations Order, para.320.

39. Insofar as the Trial Chamber noted that an accused person may contribute to the reparations process by way of a voluntary apology to individual victims or to groups of victims, on a public or confidential basis, and insofar as the Defence had indicated that Mr Katanga was willing to assist in any rehabilitation programme suggested by a Chamber of the TFV, the Trial Chamber also directed the Defence to approach the TFV as to discuss the contribution of Mr Katanga, should that be his desire, to the modalities of reparations, including in relation to any potential apologies.⁴⁴

40. Due to Mr Katanga's indigence, the TFV was invited to consider using its "other resources" for the funding and implementation of individual and collective reparations.

41. The TFV was also invited by the Trial Chamber to afford consideration as part of its assistance mandate, wherever possible, to the harm suffered by the applicants as a result of violence of a sexual nature or as a result of transgenerational psychological trauma and to the harm suffered by the former child soldiers, which the Trial Chamber had not been in a position to entertain in the case.⁴⁵

42. Upon the appeals by LRVs and Defence,⁴⁶ the Reparations Order was largely confirmed on appeal on 8 March 2018.⁴⁷ The Appeals Chamber confirmed that the overall purpose of reparations is to "repair". As such, it questioned a number of approaches taken by the Trial Chamber, such as assessing in detail each application and making findings thereon and considering whether other individuals also contributed to the harm (form of individual responsibility) in determining the liability amount. The Trial Chamber did not find an error or law or abuse of discretion in these approaches.⁴⁸

43. The Appeals Chamber remanded four applications from victims for consideration of the Trial Chamber, which found their basis in arguments that the applicants had suffered

⁴⁴ Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-tENG, paras 315-318.

⁴⁵ Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, ICC-01/04-01/07-3728-tENG, paras 342-344.

⁴⁶ Notice of Appeal against the Reparations Order and its Annex II issued in accordance with article 75 of the Statute on 24 March 2017, 26 April 2017, ICC-01/04-01/07-3739; Acte d'appel relatif à l'Ordonnance de réparation en vertu de l'article 75 du Statut et son Annexe II, 25 April 2017, ICC-01/04-01/07-3737 ; Defence Notice of Appeal against the Ordonnance de réparation en vertu de l'article 75 du Statut, 26 April 2017, ICC-01/04-01/07-3738.

⁴⁷ Public redacted Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled "Order for Reparations pursuant to Article 75 of the Statute", 9 March 2018, [ICC-01/04-01/07-3778-Red](#) (Appeals Judgment).

⁴⁸ Appeals Judgment, paras 1-6.

transgenerational harm. The Trial Chamber rejected the applications in July 2018.⁴⁹ This decision concluded the judicial proceedings.

1. Framework established by the DIP

44. On 25 July 2017, the TFV submitted the DIP to the Trial Chamber, after the TFV Board of Directors informed the Trial Chamber that it would fully complement the order of USD 1 million (see Annex B – Financial Report). The DIP was based, in particular, on consultations held with victims, as well as the LRV and OPCV LRV.

45. In line with the Trial Chamber note that it may be best to proceed with a categorisation of victims by the harm suffered,⁵⁰ the TFV proposed in detail the creation of different categories of beneficiaries, modelled on the LRV proposal (see *supra* para. 26), developing a budget per victim based on this categorisation. The result of this categorisation was described as follows:

With respect to each of the above standard categories of harm suffered [...], the [TFV] proposes corresponding reparations awards (“baseline reparations package”) with a maximum monetary value per victim for each reparations modality within each harm category that is in proportion to the degree and types of harms of that category. [footnotes omitted]⁵¹

46. The TFV also clarified that these amounts are maximum monetary values, which are of an indicative nature.⁵² In addition, the TFV set out that the implementation would be guided by the need for flexibility as required by the Reparations Order, e.g. victims would be able to flexibly use the awarded budget also for other modalities than for which it arose.⁵³

47. This categorisation was later amended. It is described in Annex B – Financial Report and therefore is not included in this narrative.

48. Under the housing assistance modality, the TFV proposed the following types of specific activities: construction of a home with basic household furnishings; renovation of current home (reinforcement or expansion); assistance in purchasing a plot of land; assistance in purchasing a home outside of Bogoro; or assistance with rent payments.

49. Under the education assistance, the TFV proposed the following activities at a maximum value of USD 600 per victim: payment of primary or secondary school fees and related costs, such as a school material kit, for the children (or minor dependents residing in the same household) of victims.

⁴⁹ Decision on the Matter of the Transgenerational Harm Alleged by Some Applicants for Reparations Remanded by the Appeals Chamber in its Judgment of 8 March 2018, 19 July 2018, ICC-01/04-01/07-3804-Conf-tENG.

⁵⁰ See above, para. 35.b.

⁵¹ DIP, para. 91.

⁵² DIP, para. 94.

⁵³ DIP, paras 104,107 *et seq.*

50. Under the IGA modality, the TFV proposed the following specific activities: assistance with the payment of higher-education (university-level) enrolment and fees; vocational training in small business enterprises (e.g. dress making, taxi driver, etc.), animal husbandry, agriculture, and fishing; training on how to develop business plans and budgets; provision of a business kit (e.g. Sewing machine and clothes making materials, farming kit, including seeds and tools, etc.); provision of (small) livestock and veterinary kit; and formation of and participation in village savings and loans associations *mutuelles de solidarité* (VSLA/MUSO). For the loss of family members, the Trust Fund proposed to provide each concerned victim with a cow, thereby respecting the Hema cultural tradition with regards to the death of a family member.⁵⁴

51. The DIP foresaw that the implementation be conducted by a consortium of implementing partners with one partner in the lead except for the payments required for victims relocated to the United States and Europe, which would be carried out directly by the TFV.⁵⁵ The implementing partner would be able to accompany the victims over a period of about two years, e.g. making them fit through a financial adviser for the time thereafter.⁵⁶ The programme support costs of a maximum of 15 percent would be part of the USD 1 million complement for the award, an approach the TFV Board of Directors changed by October 2018 as reported in Annex B – Financial Report.

52. In the DIP, the TFV established, by reference to the Reparations Order, as the overall objectives that the reparations should:

- a. address to the degree possible the harms suffered by the victims;
- b. be meaningful to victims;
- c. be appropriate, adequate and swift.⁵⁷

53. The TFV also envisaged long-term impact as follows: “Victims have a strengthened ability to cope with the livelihood, financial, and psychological trauma caused by Mr Katanga’s crimes and their aftermath”, and “Victims are able to appreciate the symbolic value of the individual compensation award, as well as the benefits received from the collective awards, as the result of judicial measures undertaken to remedy the harm that they suffered from Mr Katanga’s crimes”.⁵⁸

⁵⁴ DIP, para. 96.

⁵⁵ DIP, para. 111.

⁵⁶ DIP, para. 116.

⁵⁷ DIP, para. 120.

⁵⁸ DIP, para. 121.

54. The TFV indicated that the implementing partners would be requested to submit a monitoring and evaluation plan and that the TFV itself would carry out impact evaluations.⁵⁹

C. Amended implementation framework for individual and collective awards

55. The framework of the DIP was further amended in 2017 and 2018 based on various rounds of consultations with the victims, close collaboration with the LRVs and pursuant to the guidance by the Trial Chamber.

56. The most substantive changes relevant to **individual awards** were based on the joint proposal by TFV and LRV of 9 October 2017 that the implementation be conducted directly by staff of the TFV together with the LRVs, instead of through an implementing partner.⁶⁰ The TFV thereby reacted to the LRV's observations on the DIP. The LRV's key comment was on the role, duration and costs of an implementing partner upon consultations held with victims.⁶¹ In that context, the LRV transmitted that the victims questioned the need for using the collective award for trainings, for a financial adviser or for any activity to follow-up with the beneficiaries, pointing to the victims' interest in receiving directly to the maximum extent the economic value of the award for their businesses.⁶²

57. On 12 October 2017, the Trial Chamber issued a decision on one of the issues raised by the LRV, i.e. whether administrative costs of an implementing partner would be counted towards the "liability" of Mr Katanga, and therefore paid from the complement by the Board of Directors.⁶³

58. Given the TFV and LRVs had already proposed in the joint filing of 9 October 2017 the implementation of the individual award without an implementing partner,⁶⁴ the Trial

⁵⁹ DIP, section D.

⁶⁰ Joint Submission Concerning the Draft Implementation Plan Filed by the Trust Fund for Victims in Conformity with the Order for Reparations Pursuant to Article 75 of the Statute (ICC-01/04-01/07-3751-Red), 09 October 2017, [ICC-01/04-01/07-3767-Conf-tENG](#). A public redacted version was filed on the same day: [ICC-01/04-01/07-3767](#).

⁶¹ *Observations relatives au projet de plan de mise en œuvre déposé par le Fonds au profit des victimes en exécution de l'Ordonnance de réparation en vertu de l'article 75 du Statut* (ICC-01/04-01/07-3751-Red), 11 September 2017, [ICC-01/04-01/07-3763-Conf](#). A public redacted version was filed on 12 September 2017 : [ICC-01/04-01/07-3763-Red](#).

⁶² *Ibid.*

⁶³ *Décision approuvant la mise en œuvre des réparations individuelles et enjoignant au Fonds au profit des victimes de lui transmettre de l'information supplémentaire sur la mise en œuvre des réparations collectives*, ICC-01/04-01/07-3768-Conf (« Decision of 12 October 2017 »), as cited in 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.

⁶⁴ Joint Submission Concerning the Draft Implementation Plan Filed by the Trust Fund for Victims in Conformity with the Order for Reparations Pursuant to Article 75 of the Statute (ICC-01/04-01/07-3751-Red), 09 October 2017, [ICC-01/04-01/07-3767-Conf-tENG](#). A public redacted version was filed on the same day: [ICC-01/04-01/07-3767](#).

Chamber approved in this decision the implementation of the individual reparations awards as proposed by the TFV and ordered the disbursement of the awards independently of the collective award.

59. The Trial Chamber also requested the TFV to provide further information in relation to the collective award, in particular to the amount foreseen to be disbursed for the relocated victims, and made suggestions on the categorisation proposed by the TFV in the DIP.⁶⁵ The Trial Chamber also ruled out the involvement of a financial adviser based on the LRV's request that the beneficiaries be given complete freedom to do as they wished with their individual awards.⁶⁶ Accordingly, the Trial Chamber had regard to the LRV's submissions, putting under scrutiny the involvement of an implementing partner for the collective award.

60. Given the DIP had been partially approved, the TFV engaged in parallel, on the one hand, in the implementation activities and, on the other hand, in further designing the remaining awards. The filings in the case record give an indication of this work-intensive period for TFV, LRVs and the Trial Chamber: there are 109 filings for a total of 2,309 pages filed in the period between July 2017 and October 2018 (including appeals proceedings), while there are 319 filings for the entire period between the delivery of the Reparations Order and the completion of the reparations implementation with 6,736 pages, of which there are 64 TFV filings with 823 pages (all numbers exclude redacted versions and translations).⁶⁷

1. Implementation activities

61. The TFV implemented directly the individual awards to 297 beneficiaries, which was achieved by mid-2018, as well as the implementation of the disbursement of the cash equivalent of the collective award for the victims living outside of Ituri Province, including for the victims living in Uganda, for which the DIP had originally foreseen a separate programme.⁶⁸ Throughout 2017 and 2018, TFV and LRVs conducted joint missions to the DRC, Europe, the United States and Uganda to issue the individual awards to 297 beneficiaries and the equivalent in cash to 31 relocated victims. The TFV's contact with the beneficiaries

⁶⁵ *Décision approuvant la mise en œuvre des réparations individuelles et enjoignant au Fonds au profit des victimes de lui transmettre de l'information supplémentaire sur la mise en œuvre des réparations collectives*, ICC-01/04-01/07-3768-Conf (« Decision of 12 October 2017 »), as cited in 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, para. 1.

⁶⁶ Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations, 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG, para. 16.

⁶⁷ The information on records and page numbers was provided by the ICC Registry.

⁶⁸ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 04 December 2017, [ICC-01/04-01/07-3772](#).

was facilitated at all times by the LRVs, who contacted and informed the beneficiaries about any such meetings and transmitted TFV invitations to attend meetings.

2. Further design of modalities and activities

62. As of 12 October 2017, the date of the Trial Chamber’s decision partially approving the DIP, the TFV’s focus was on a close engagement with the LRV to design the implementation of the collective awards that had not been approved. In the ensuing period, the TFV’s engagement was directed at putting in place direct implementation methods for the entire implementation of the award, to the degree possible, instead of planning for one implementing partner who would holistically implement the diverse modalities and accompany the beneficiaries throughout the programme’s implementation period.

63. The views, opinions and wishes of the victims thereby stood central to the TFV’s design of the collective reparations. As of 31 January, TFV and LRV conducted a multi-week mission to consult victims in Bogoro, Bunia, and Kasenyi⁶⁹ during which, in addition to the victims’ feedback on having received the symbolic individual awards, victims’ collective reparations choices were gathered.⁷⁰

64. The victim consultations comprised two parts: first with a group meeting of victims at which the TFV and the respective LRV gave a presentation and conducted an open questions and answers session in relation to the Reparations Order and the DIP, and compiled an overview of the concrete choices that the victims would have in regard to the latter (“Group Victim Consultation”). Then, individual interviews of approximately one hour were held with each victim at which they indicated which activities, from those available under the various reparations modalities, corresponded best to their current situation and desires (“Individual Victim Consultation”).⁷¹ This consultation structure was followed as the usual format in subsequent meetings with victims.

65. Taking into account the views and choices expressed by the victims during the consultations and subsequent missions, the TFV designed the IGAs to reflect the beneficiaries’ items of choice, with which they planned to carry out the relevant income-generating activity. The victims were well informed about their individual baseline package, as designed in the

⁶⁹ 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, para. 12.

⁷⁰ 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, para. 14.

⁷¹ 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.

DIP,⁷² and about the flexibility to decide how to apply their respective “individual budget” to the education, housing and IGA modalities. As to the latter, given that the training or education and support aspects had not been accepted by LRV and Trial Chamber, the victims chose from one or more of the following categories:

- a. Cattle and comparably big animals (for husbandry);
- b. Fuel (for a business in retailing fuel)
- c. Motorbikes (e.g. for a taxi business)
- d. Fish (for a small business activity)
- e. Small IGAs (a specific kind of item for a focused small business activity)
- f. General commercial items (different kinds of items, such as rice and oil for a small business activity).

66. As to the housing modality, victims could choose among buying a plot of land, building a house, purchasing an already constructed house or renovating a house.

67. At a mission conducted from 6 until 17 August, TFV and LRV jointly clarified certain collective choices that a select number of victims had made during the February 2018 mission which were felt to have been unclear.⁷³ TFV and OPCV LRV held a similar joint mission from 28 to 30 August 2018, meeting the OPCV LRV’s 14 clients to collect their choices for collective reparations.⁷⁴

68. In relation to the children of victims who selected the education assistance modality and were to attend the 2018-2019 school year, the TFV and LRVs also held an introductory meeting with the directors of the relevant schools during this mission. Given the TFV would also implement this activity through its own staff, the TFV collected banking information from the relevant schools in order to prepare for making payments by bank transfer where possible for security reasons.⁷⁵

69. This process of consecutive missions held in 2018 and interviews conducted with each victim resulted in a detailed and personal overview of each beneficiary’s individual package and their choices.

70. Throughout that period, the TFV had also consulted widely on the question raised by the Trial Chamber as to the administrative costs of implementing partners. This is in more

⁷² See above, para. 45.

⁷³ 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](#), para. 12.

⁷⁴ 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](#), para. 20.

⁷⁵ 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](#), para. 13.

detail reported in Annex B – Financial Report. As a consequence of the process, the TFV Board of Directors decided to cover those expenses of any implementing partner through its other reparations resources and not through the complement.

71. The results of these diverse activities were presented to the Trial Chamber in the TFV report of 2 October 2018,⁷⁶ which was filed pursuant to the Trial Chamber's order of 20 September 2018.⁷⁷ In this filing, the TFV presented, due to this decision and based on consultations held with victims and the collaboration with the LRVs, a revised categorisation of victims and a revised budget (Revised Budget) for the collective award.⁷⁸

72. In addition, the TFV set out that it would directly implement through its own staff the education modality, the provision of cattle, and other income-generating activities, and informed that the TFV planned for an implementing partner that would best implement the housing modality. The TFV reported that the psychological support modality may either be implemented via an expert consultancy or a procured partner.

73. While the TFV, in coordination with the LRV, made progress in the implementation of the education modality, the TFV decided on 7 February 2019, not to approve any of the modalities as part of the DIP yet, as a specific plan for all necessary steps to be taken had yet to be provided by the TFV. The Trial Chamber also directed the TFV to request the Trial Chamber's approval before starting the implementation of any modality, setting out in detail what the TFV should submit in such a request for approval.⁷⁹

74. From that time onwards, the TFV was thus required to submit concrete and detailed methods of implementation to the Trial Chamber before any activity. As a result of the Trial Chamber's approach, these submissions and the subsequent approval of the Trial Chamber complement the DIP. Accordingly, there exist separate approvals of the Trial Chamber on each modality, while the education modality and the collective reparations for the relocated beneficiaries had not been formally approved before the start of implementation. The implementation of these modalities was, however, acknowledged in the Trial Chamber's orders of 20 September 2018 and 7 February 2019, referred to above.

⁷⁶ *Ibid.*

⁷⁷ Order Directing the Trust Fund for Victims to File Information on the Modalities of Collective Reparations, 20 September 2018, [ICC-01/04-01/07-3809-Conf-tENG](#).

⁷⁸ 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](#).

⁷⁹ *Ordonnance enjoignant au Fonds au profit des victimes de déposer un rapport sur l'état d'avancement de la mise en œuvre des réparations collectives ainsi que sur les prochaines étapes et activités prévues*, 7 February 2019, ICC-01/04-01/07-3825-Conf, para. 18, as cited in 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, para. 20.

75. In sum, taking into account these processes and the fundamental changes to the DIP as originally submitted, the assessment on whether the goals and expected results as set out in the DIP were achieved, need to be analysed against the specific decisions for each modality.

IV. IMPLEMENTATION OF THE INDIVIDUAL AWARDS AND OF REPARATIONS TO RELOCATED VICTIMS 2017-2018

A. Overview

1. Individual awards

76. The 297 beneficiaries found eligible by the Trial Chamber received the individual awards of USD 250 each between December 2017 and August 2018.

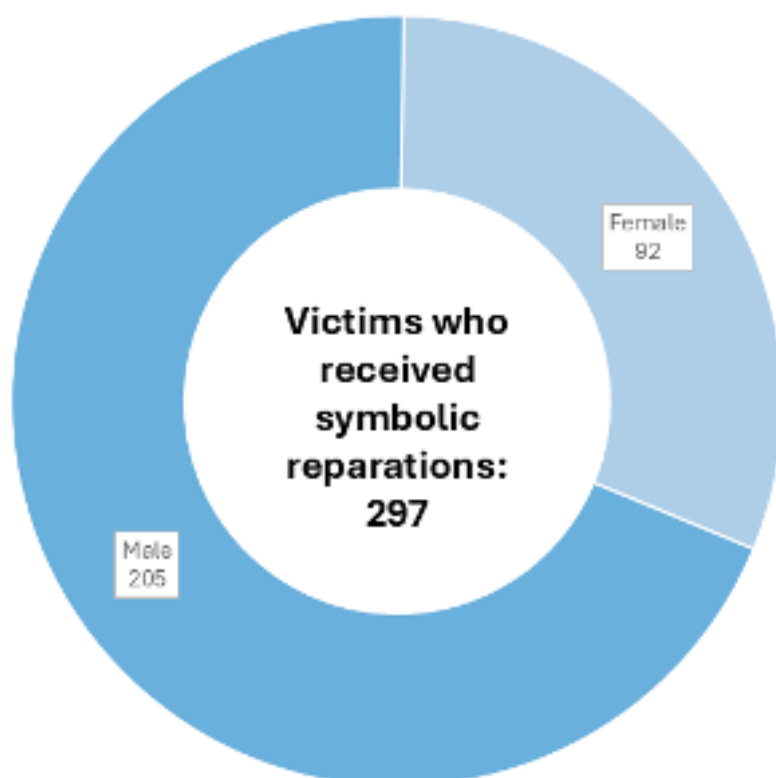
77. The victim population is distributed between women and men, and between the population in Ituri Province and that outside of Ituri Province (not including the one person who relocated only in 2022):

78. The following overview shows when the different beneficiaries received the reparations:

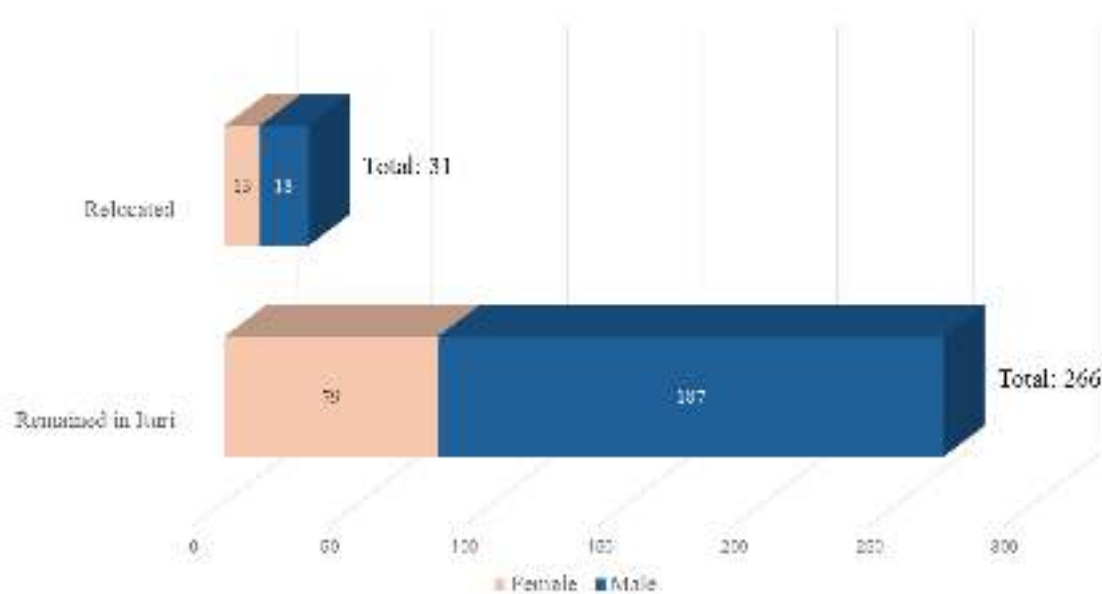
Overview of the implementation of individual awards for victims

Period	Number who victims who received individual awards
Q4 2017	274
Q1 2018	3
Q2 2018	4
Q3 2018	16
Total	297

Overview of female and male beneficiaries of individual awards



Overview of beneficiaries living in Ituri and outside



79. The implementation of these reparations was conducted directly through TFV staff. The awards were all handed over in person by staff of the TFV to the beneficiaries, be it in Ituri Province, Uganda, Western Europe, or the United States. The procedure for validating that victims received their awards is detailed below and in Annex B - Financial Report.

2. Collective award for relocated beneficiaries

80. Following the submission of the DIP, the LRV had expressed his disagreement with the amounts foreseen as payment *in lieu* of collective reparations for the relocated beneficiaries. The Trial Chamber in its 12 October 2017 decision accordingly requested the TFV to reconsider those amounts. Upon consultations held with the LRV in November 2017 and upon the decision that the individual awards would be implemented by the TFV itself, the TFV agreed with the LRV that in order to avoid perceptions of discrimination, the TFV would increase the individual amounts of each beneficiary based on their category, equating them to the amounts that were foreseen for the portfolio of the comparable categories of Ituri-based victims.⁸⁰ The TFV indicated that in its view, the monetary value of the services available to victims in the DRC preserved the symbolic meaning of the collective compensation award.⁸¹ These amounts are reported in Annex B – Financial Report.

~~H.~~ Method of implementation

81. The method of direct implementation for the individual awards as approved by the Trial Chamber in its decision of 12 October 2017⁸² was the method proposed in the joint TFV-LRV submission of 9 October 2017. However, due to consultations that took place between the TFV and the LRV after the 12 October 2017 and the fact that the LRV conveyed that not all beneficiaries in the United States or Western Europe had a bank account, in the end the TFV delivered cash in-hand to each individual at meetings facilitated by the LRV and in the presence of the LRV. The below shows the development of the situation:

⁸⁰ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, paras 38-39.

⁸¹ 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, para. 9 (iv).

⁸² Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations, 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG, para. 18.

Victims' place of residence	Approved plan	Implementation
Ituri Province	Disbursement in the presence of the beneficiary through a bank account opened in a bank in Bunia only for this purpose and directly closed again. Travel costs and bank charges for the account to be covered by the TFV.	Disbursement in person by TFV staff member of the relevant cash amount. Travel costs of beneficiary covered by the TFV.
Uganda	Disbursement in person by ICC staff member to the beneficiary of the relevant cash amount. Travel costs covered by the TFV.	Implemented accordingly.
United States and Europe	Disbursement by bank transfer to bank account of beneficiaries, entailing no charge for them; beneficiaries without bank account will be requested to open a bank account.	Disbursement in person by TFV staff member to the beneficiary of the relevant cash amount.

82. The cash transfers occurred in the presence of the LRV or a member of his team who arranged all collective and individual meetings and, who retained throughout the implementation of the reparations the sole contact of the beneficiaries.

83. A form developed by the TFV after consultation with the LRVs had to be signed by each individual beneficiary as well as by the TFV staff member and the LRVs or a member of their team. The latter two signatures served as evidence that the identities of the beneficiaries had been verified and that the payment had been affected.⁸³ The TFV staff explained to the beneficiaries in the local language they spoke the contents and significance of this document.

⁸³ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, para. 28 (a) (iii).

All eligible victims received reimbursement for their travel expenses and signed receipts acknowledging this payment.⁸⁴

84. In respect of the collective reparations for relocated victims, the TFV followed the same method of implementation as described above for the individual reparations. Although it was originally considered that the victims relocated in Uganda would benefit from a parallel collective reparations programme to that planned for the beneficiaries in Ituri Province, the TFV disbanded this plan after an October 2017 mission to Geneva and to Uganda, where they met Ugandan authorities.⁸⁵ In coming to this conclusion, the TFV took into account, among others, that seven of the 15 beneficiaries having the status of refugees were in the process of further relocation, that the beneficiaries preferred to receive a payment instead of a programme, and that the costs of setting up such a small programme were higher than providing the beneficiaries with the relevant amounts in cash.⁸⁶ Accordingly, the victims relocated to Uganda received cash payments in the same way as the other relocated victims.

Implementation

85. The implementation of the individual awards for beneficiaries living in Ituri Province (266 at that time), Uganda (14 beneficiaries), Europe (4 beneficiaries), and United States of America (13 beneficiaries) took place during several TFV-LRVs joint missions as detailed below:

- a. 274 beneficiaries located in the DRC or who had been relocated to Uganda received their individual awards between 28 November and 7 December 2017, including 260 DRC-based beneficiaries and one Uganda-based beneficiary who exceptionally travelled to the DRC during a joint mission of the TFV and LRVs between 28

⁸⁴ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, para. 28 (a) (iv).

⁸⁵ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, paras 8 and 9.

⁸⁶ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, para. 34; see also *Observations relatives au Rapport du Fonds au profit des victimes du 4 décembre 2017 (ICC-01/04-01/07-3772-Conf)*, 13 December 2017, ICC-01/04-01/07-3773.

November and 1 December 2017⁸⁷ and 14 Uganda-based beneficiaries during a joint TFV-LRV mission to Uganda between 6 to 7 December 2017;⁸⁸

- b. 3 beneficiaries represented by the OPCV LRV received their individual awards between 6 and 28 February 2018;
- c. 4 beneficiaries who had been relocated to Europe received their individual awards between 22 and 25 June 2018;
- d. 13 beneficiaries who had been relocated to the United States of America (USA) received their individual awards between 8 and 14 July 2018;
- e. 3 beneficiaries represented by the OPCV LRV received their individual awards between 29 and 31 August 2018, in the context of a joint TFV-OPCV mission. This number includes two victims who could not be located in December 2017 in Ituri Province and one successor of a victim who had passed away.⁸⁹

86. The implementation of the individual awards and the payment relevant to collective reparations for 31 relocated victims, took place during joint missions of the TFV and the LRV on the following dates: on 19 June (Uganda), between 22 and 24 June (Europe), between 4 and 15 July (USA) and on 17 and 18 July 2018 (Europe).⁹⁰

87. The LRV informed the Trust Fund that, in the course of the implementation of collective reparations, one additional beneficiary, who had already received the individual award, had been permanently relocated to another country, and that he was to be treated as a beneficiary residing outside of the DRC who was to receive the remainder of his collective reparations in cash.⁹¹ As this approach was in line with the previously established approach for

⁸⁷ Report on the Trust Fund's execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II's decision of 12 October 2017, 4 December 2017, ICC-01/04-01/07-3772, paras 18, 28.

⁸⁸ *Observations relatives au Rapport du Fonds au profit des victimes du 4 décembre 2017* (ICC-01/04-01/07-3772-Conf), 13 December 2017, ICC-01/04-01/07-3773, paras 9 and 21.

⁸⁹ 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](#), para. 21, fn. 12.

⁹⁰ 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, para. 17.

⁹¹ 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](#), para. 37. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

relocated victims,⁹² the Trust Fund concluded the payment of the beneficiary's remaining reparations value via Western Union on 9 July 2021.⁹³

D. Challenges in the implementation

88. Once the sum total of the payments for the collective reparations and the methods of implementation were determined, the challenges to implementing these reparations were limited. The TFV ensured utmost confidentiality of the process to protect the victims, i.e. no publicity was given to the payments or the missions of the TFV and LRVs.

E. TFV's 2018 reports on beneficiaries' reactions

89. Upon implementation of the individual awards, in its filing of 2 October 2018, the TFV shared the following resulting reflections with the Trial Chamber:⁹⁴

- a. One of the more notable reactions was that many victims expressed that they felt and appreciated the intended symbolic value of the individual compensation.⁹⁵ Several victims indicated that they felt individually acknowledged by the Court by receiving the individual award and that this individual acknowledgement held particular reparative value to them.⁹⁶
- b. Many victims also appeared to appreciate that the modality of compensation permitted them to choose for themselves how best to use the money received. From paying off debts and hospital bills, being able to resume the care of a child sent to live with relatives because of financial difficulties, to being able to have a special Christmas family celebration. The vast diversity of stories that were shared demonstrated that it would not have been possible to capture all of these uses in a prescribed service-based reparations award.⁹⁷
- c. Because individual compensation awards and the payment of the relevant part of the collective award could be implemented directly by the TFV and in a much faster manner than some of the other collective reparations modalities, victims were able

⁹² 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](#), p. 7 and paras 17-18, as cited in 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](#), para. 28. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

⁹³ 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](#), para. 38. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

⁹⁴ 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](#), para. 14.

⁹⁵ *Ibid.*, para. 14 (a).

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, para 14 (b).

to address pressing and urgent needs. The TFV observed that this had the effect of relieving some of the immediate pressures that may have otherwise been present during the collective choices mission and permitted the victims to make their collective choices in a more considered manner. For example, several victims paid their children's school fees with their compensation award, which gave them the space to consider shifting the collective education assistance award into an income-generating activity that would permit them to earn enough ongoing income to continue paying the school fees and more.⁹⁸

- d. Finally, the TFV observed that the victims all used their compensation awards in a carefully considered and responsible manner. A large number used the compensation award to purchase stocks of items that they could re-sell and generate an ongoing profit from. Others assisted family members in need.⁹⁹
- e. The TFV considered that trusting and respecting that victims know for themselves how best to address their current needs is an important aspect to be borne in mind by other Trial Chambers when deciding on the appropriate modalities of reparations to award.¹⁰⁰

90. In respect of the relocated victims, the TFV shared several observations with the Trial Chamber, specifically in relation to the manner of implementation undertaken, *i.e.* by a joint TFV/Legal Representative team meeting in person with each victim.¹⁰¹

- a. The implementation of reparations at the Court represents more than implementing a Court order, it also represents in many cases the final interaction that a victim will have with the Court. In this sense, it is the end of an engagement that, for some victims, they have been a part of for more than a decade. One of the more common questions asked was: "is there anything else that will happen?" The Trust Fund considered that it is in the best interests of victims to be physically present, when financially and operationally feasible, to explain and answer any questions that a victim may have.¹⁰²
- b. In this same way, the Trust Fund observed that many victims took the opportunity to reflect on much more than the reparations they had received and spoke about their interactions with many different parts of the Court, their relationship with their

⁹⁸ *Ibid.*, para. 14 (c).

⁹⁹ *Ibid.*, para. 14 (d).

¹⁰⁰ *Ibid.*, para. 14 (d).

¹⁰¹ *Ibid.*, para. 18.

¹⁰² *Ibid.*, para. 18 (a).

Legal Representative, and all of the events that had occurred in their life since the start of the case.¹⁰³

- c. The Trust Fund also observed that the modality of compensation requires, in its view, an explanation of what the compensation represents in order to avoid traumatising or offending victims. In this sense, the Trust Fund was able to address each victim directly to make clear that the Court and the Trust Fund understand that no amount of money (or services) can truly represent what was lost and that, particularly in the case of the loss of a loved one, the monetary value of the reparations is not meant to be a monetary value on their loved one or the harms that they suffered, but hopefully will help the person heal and rebuild a better life. Several victims reacted emotionally when they reflected upon the loss that the reparations were addressing. In the TFFV's view, particularly for those who lost family members, having, as an example, a 'reparations' monetary deposit appear in a person's bank account instead of a cash-in-hand delivery runs the risk of being misunderstood or retraumatising the individual.¹⁰⁴
- d. Finally, the Trust Fund considered that conducting these missions with the Legal Representative added an immense amount of meaning for the victims in terms of the reparations implementation.¹⁰⁵

V. IMPLEMENTATION OF THE COLLECTIVE AWARDS BETWEEN 2018-2023

General

1. Overview

91. The implementation of the collective awards started in June 2018 and ended in October 2023. The disbursement of the collective reparations to the relocated victims took place in June and July 2018, as reported in the previous section, given these payments were disbursed at the same time as the individual awards.

92. The implementation of the collective award was based on each victims' individual budget by reference depending on the category of harm the victims had suffered, as explained and referred to in Annex B – Financial Report. Depending on the category, the beneficiaries

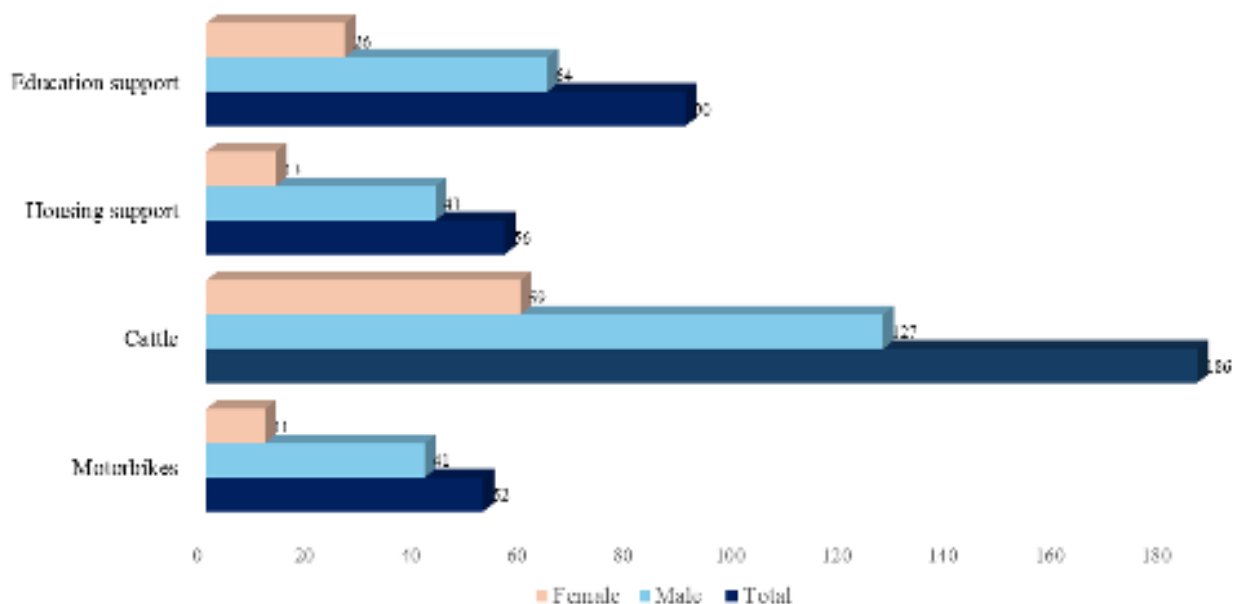
¹⁰³ *Ibid.*, para. 18 (b).

¹⁰⁴ *Ibid.*, para. 18 (c).

¹⁰⁵ *Ibid.*, para. 18 (d).

had an individual budget of either USD 3,450, USD 2,850, USD 1,200 or USD 600, which they could freely distribute among the modalities of educational support, IGAs and housing support. The choices of the victims were collected during the joint LRVs-TFV missions of February/March and August 2018. The design of the measures was based on the data collected from the victims during the individual interviews held at these joint missions. During implementation, beneficiaries could change the prior expressed choices, which was communicated to the TFV through the LRVs.

93. To provide an overview of the timeline of the implementation of the collective awards:
 - a. The educational support modality was implemented between 2018 and 2021 for the duration of three school years, the main school year for implementation being of 2018/2019;
 - b. The IGA modality was implemented from 2019 until 2023 with the main part of the implementation taking place in 2019 and 2020;
 - c. The housing modality was implemented from 2021 to 2023 with the large bulk of instalments processed in 2021 and 2022;
 - d. The psychological support modality was implemented in 2022 and 2023.
94. The following is an overview of collective reparations per modality:



Overview of collective reparations per modality and selected IGA activity

2. Security and health situation

95. The security and health situation in Ituri Province during the six years of reparation implementation, i.e. between 2017 and 2023 created a wide variety of challenges. The years 2018 and 2019 were marked by Ebola outbreaks in Bunia and surrounding locations, which limited TFV and LRV's movements in and around Bunia, as well as their contact with beneficiaries and relevant third parties (e.g. heads of schools). Missions to Bunia were suspended, impacting the calendars that had been put in place for the implementation of individual awards and educational support, requiring adaptation and swift action from the TFV and from the supporting Registry units.

96. From March 2020 until 2022, the COVID-19 pandemic with repeated phases of lockdowns worldwide impeded missions to Bunia, and limited TFV staff presence in Bunia. This required changes to calendars and swift action to organise transfer of IGAs or essential missions to meet the victims or move the programme implementation forward during periods of limited restrictions. Throughout the COVID-19 pandemic, additional health-related measures had to be respected, for example during market days and when transferring other IGAs, such as motorcycles or fuel to the beneficiaries. The world-wide inflation ensuing due to the pandemic influenced prices and created hurdles that the TFV addressed in various ways with the assistance of the Court's Registry, and in close collaboration with the LRVs, as described in the relevant sections.

97. Since 2017, the security situation in Ituri Province gradually worsened, leading first to temporary and later to a regularly renewed restriction on movement for TFV staff and LRVs outside of Bunia, extending to nearly all of Ituri Province during the relevant period of implementation. The security situation between 2019 and 2020 had changed for example in a way that did not anymore allow TFV staff to join the beneficiaries during market days when choosing their IGAs, as set out below. At the end of 2022, beginning of 2023, armed groups became active in very close vicinity of Bogoro, as well as of Bunia, thereby having an impact on the beneficiary group living in Ituri Province. Fighting did not, to the knowledge of the TFV, extend to the village of Bogoro itself.

98. These threats were assessed by the Court's Joint Threat Assessment Group's ("JTAG").¹⁰⁶ JTAG recommendations regulated the movements and actions of TFV staff and LRVs in the DRC.

¹⁰⁶ The JTAG is a multi-organ body which its mandate is to review and provide advice on the operations of the International Criminal Court in the field.

99. At the end of 2018 due to the Ebola outbreak and in 2020 in the context of the COVID-19 pandemic, the LRV shared the concerns of victims regarding the passing of time and to consider alternatives to the modalities of collective reparations, such as conversion into financial compensation.¹⁰⁷ The Trial Chamber requested the TFV at both occasions to take a position on this matter, as it shared similar concerns. The TFV carefully considered the matter at the time and indicated that the external challenges would prevail regardless of the modality of awards.¹⁰⁸

3. Direct implementation

100. As shortly described in Part III above relation to the further development of the DIP, the TFV took the approach of directly implementing the reparations programme through its own staff instead of tasking an implementing partner contracted by ICC/TFV with the programme execution.

101. While direct implementation of the collective award as a possible method of implementation derived from the LRV's initial observations on the DIP,¹⁰⁹ the preference for this form of implementation was reiterated to the TFV by the victims themselves during the collective choices interviews at the joint missions of January to March and August 2018. Victims expressed a preference for the TFV to choose an implementation method that permitted the maximum amount of individual participation, choice and selection of cattle and IGA materials by the victims themselves. This was particularly highlighted with regard to the prominent role that cattle plays in Hema culture and the victims repeated express disagreement with the idea that anyone, whether the TFV or an implementing partner, could appropriately choose cattle on their behalf.¹¹⁰ Furthermore, many victims requested that the TFV be mindful

¹⁰⁷ Communication du Représentant légal relative aux vues et préoccupations des victimes bénéficiaires de réparation, 14 December 2018, [ICC-01/04-01/07-3819-Conf](#). A public redacted version was filed on 17 December 2018: [ICC-01/04-01/07-3819-Red](#).

¹⁰⁸ Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 28 Feb 2019, [ICC-01/04-01/07-3826](#); see also Order Directing the Trust Fund for Victims to File a Progress Report on the Implementation of Collective Reparations and the Next Steps and Activities Planned, 7 Feb 2019, [ICC-01/04-01/07-3825-Conf-tENG](#).

¹⁰⁹ *Observations relatives au projet de plan de mise en œuvre déposé par le Fonds au profit des victimes en exécution de l'Ordonnance de réparation en vertu de l'article 75 du Statut* (ICC-01/04-01/07-3751-Red), 11 September 2017, ICC-01/04-01/07-3763-Conf, paras 13-14. See also paras 46-51, as cited in 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](#), para. 25. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red](#).

¹¹⁰ 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](#), para. 26. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red](#).

of the large number of humanitarian assistance programmes run by NGO actors in Ituri and that, in relation to this, the TFV chose, when appropriate and feasible,¹¹¹ an implementation method that would distinguish the reparations from humanitarian aid.¹¹²

102. Based on the above, the TFV, in collaboration and with support from the LRVs, consistently proposed to carry out the reparations implementation in a manner that provided as much participation and direct involvement as possible of the victims themselves. The TFV equally considered that there was a separate and important reparative value attached to the Court, through the activities of the TFV, being directly engaged with the victims in the planning, design and actual implementation, as opposed to through an intermediary implementing partner, when such engagement was feasible. The TFV considered that this approach permitted it to have a much more collaborative and close relationship with the LRVs and the victims and that this in itself had important reparative value.¹¹³

103. Direct implementation in this case required the TFV to purchase and organize the payment, via bank transfer or cash of cattle and items for the IGAs, to organize the hand-over of these item, to hire partners to build houses for the beneficiaries or enable the beneficiaries to buy houses themselves, and to hire psychologists or experts to provide psychological support to the beneficiaries.

104. This required staff of the TFV to find the relevant partners and run the procurement process; to organise the meetings with victims, ensuring confidentiality and security during market days and at purchase locations and the transfer of the items; to ensure the cash flow from Headquarters to the ICC's Country Office in Bunia; to keep the cash in a safe in the Country Office; to ensure receipts and documentation and their transfer to Headquarters to enable settlement of payments; to keep a database to trace what beneficiaries had received and

¹¹¹ In this regard, the Trust Fund did not suggest that using implementing partners for the delivery of reparations awards was *per se* problematic or rendered the awards indistinguishable from humanitarian aid. Indeed, as consistently proposed in previous update reports and in the present report, the Trust Fund proposed to use implementing partners for the housing and psychological assistance awards. Direct implementation required more country based staff resources, as well as increased operational support from the relevant sections of the Registry, and as such was not necessarily always appropriate or the most efficient manner of implementation: as cited in 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](#), para. 27. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

¹¹² 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](#), para. 27. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

¹¹³ 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](#), para. 28. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

communicate this to the LRVs and the Trial Chamber; and, to ensure the payments were properly accounted for including by distinguishing between the costs for the payment of the award and other reparations expenses, to name but a few.

105. As a first precondition, it required TFV staff to carry out these activities, primarily in the areas where the beneficiaries live. About two TFV staff had been stationed already before 2017 in the ICC's Country Office in Bunia, Ituri Province, i.e. in the relevant area. The staff comprised of two Associate Field Programme Officers (AFPO) between 2017 and 2019, one of them leaving in 2019 to another Country Office, and a Programme Manager and another AFPO who joined at the end of 2019. In TFV Headquarters, additional staff was hired to support the one TFV legal staff and two TFV finance staff of 2017.

106. Given the TFV is part of the ICC's financial and administrative structure and the financial and contractual processes need to be in line the legal framework applicable to the ICC, in particular compliant with the ICC's Financial Rules and Regulations (FRR), this work required support and assistance of the Registry, in particular the procurement, finance, and legal sections of the Registry. The cooperation and support provided by the Registry, including by the Registrar, when bottlenecks arose,¹¹⁴ was essential to secure implementation of the order.

107. To purchase items, the TFV with the assistance of the Registry's procurement unit, had to establish the overall value of these items and whether they could be bought in bulk. If so, and depending on the value at issue, the TFV would either have to run an open tender process based on a scope of work, issuing expressions of interest and requests for proposal, or the TFV/ICC would have to obtain three proposals (signed and stamped by the vendors) and hire the vendor through a so-called Purchase Order. Only if none of these avenues proved successful or impossible to pursue, the TFV directly through the Court's Finance Section could apply an alternative obligation method ("MOD") for cash disbursement.¹¹⁵ The procurement processes proved in part to be time-intensive, not least because they required a very good knowledge of the vendors in Bunia, as well as technical knowledge to succeed. In respect of the IGAs, only motorcycles were ultimately purchased through Purchase Orders and not through open tenders, even though an open tender had originally been published in 2019 for fuel and motorcycles.

¹¹⁴ [ICC-ASP/20/14](#), Report to the Assembly of States Parties on the projects and the activities of the Board of Directors of the Trust Fund for Victims for the period 1 July 2020 to 30 June 2021, para. 174.

¹¹⁵ 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](#), para. 71. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

All other IGA-related payments were ultimately disbursed on the basis of MODs. This was mostly due to the fact that most of the items at issue had to be bought at the local market as victims had insisted to be present to be able to choose cattle and other items among several vendors and decide on the best quality products for a good price. In addition, producing stamped and signed offers for goods at a price that could be maintained over longer periods of time was unusual for many vendors, limiting the choice of the TFV as to the available vendors.

108. In addition, when requesting approval of the chosen method of implementation, the TFV had to have clarity on the applicable procurement method and provide the relevant explanation and supporting documentation to the Trial Chamber.¹¹⁶

109. Throughout the procurement related consultations, the TFV liaised and consulted regularly with the Registry's security, finance, field logistics, travel and medical units to ensure that the implementation was safe and efficient.¹¹⁷

110. The approach of direct implementation was first tested with the individual reparations awards in 2017 and 2018, the payment of the collective reparations for relocated victims in 2018 and the educational support for the school year 2019/2020.¹¹⁸ Thereafter it was applied to all other modalities of the collective award.

4. Cooperation with the LRVs

111. TFV and LRVs cooperated actively throughout the period of implementation, including during implementation missions, such as for the cattle, and in developing and agreeing on concrete methods of implementation. The OPCV LRV was involved in that respect in all modalities and IGA activities that her clients had chosen.

112. The TFV requested the beneficiaries to sign a receipt as proof that the reparations were delivered to them, in analogous application of TFV Regulation 68. The beneficiaries were required to each bring a witness during the implementation of the collective reparations and the witness was also required to sign the receipt. When the LRVs were present, they also signed the receipt. One TFV staff member always signed the receipt. A copy of these receipts was

¹¹⁶ 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](#), para. 29. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

¹¹⁷ 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](#), para. 32. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

¹¹⁸ 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](#), para. 25. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red.](#)

provided directly to the beneficiaries and either on paper, or later, electronically to the LRVs, including in times of COVID-19.

113. The processes set up for documentation are described in more detail in the educational support modality below, and were maintained throughout the implementation.

II. Educational support modality

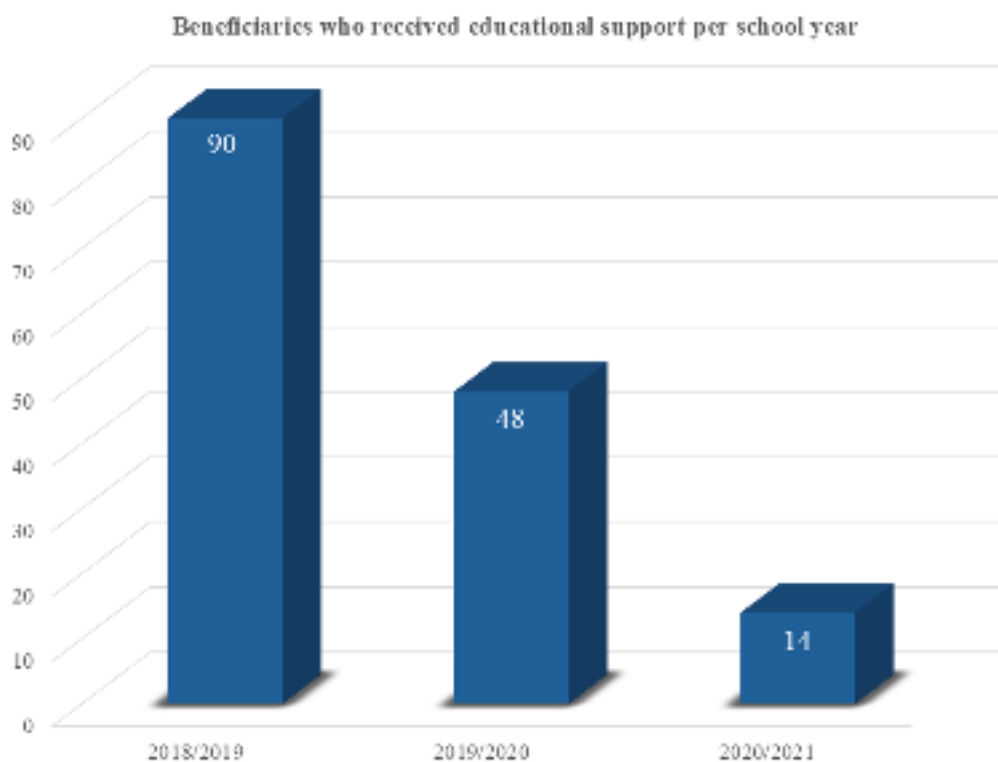
1. Overview

114. Of the 265 beneficiaries living in Ituri Province,¹¹⁹ a total of 90 chose educational support for a total of 338 dependants, some of them for two or three years. While the originally available budget for beneficiary's educational support was USD 600, beneficiaries could decide to either fully allocate this amount to other modalities of the collective award, increase the amount through reallocation, or use fully or in part for educational support. In addition, beneficiaries could decide on how many of their dependants and for how many years they would be supported with their respective budget. Accordingly, beneficiaries chose between one to three years based on their needs for the payment of educational support for their dependents.

115. While four/five beneficiaries, were under 18 years of age at the time of the commission of the crimes, all beneficiaries were adults when the reparations were implemented.

116. The below table shows the basic information about the educational support modality:

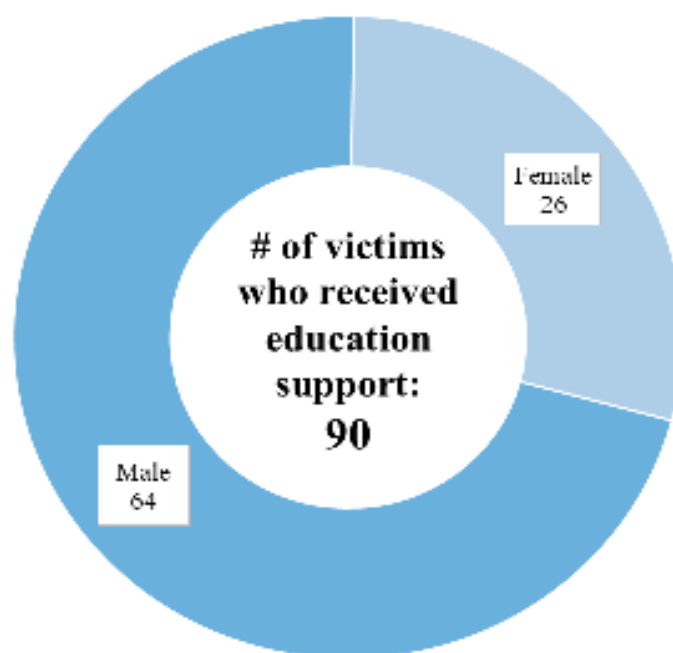
¹¹⁹ As reported above in para. X, one beneficiary relocated from Ituri Province after 2018 and received the collective reparations as payment *in lieu*.



Amount of money spent on education per school year

Total amount of money spent		
2018/2019	2019/2020	2020/2021
USD 33,542.125	USD 6,284.13	USD 5,030,375

Total number of victims who received educational support (male/female)



2. Method of implementation

117. A school year in the DRC has three trimesters. Accordingly, a registration fee and a fee for each trimester needed to be paid to the school. Instead of a one-time payment to the school, the TFV chose to pay the school per trimester to ensure attendance of the dependants and accommodate moves of dependants that may occur throughout the school year.¹²⁰

118. The principal method was as follows:

119. In a timely fashion before the start of the school year, the victims who had chosen this modality or, in the subsequent years, still had a budget for this modality, were contacted by the TFV through the LRVs to identify the address (in case of changes to the address) and the schools attend by the students.

120. Arrangements were made for the payment by TFV to the school of the registration fees in schools.

121. In the week before the trimester payments were due, the TFV staff reached out to all school directors in order to invite them to a secure location in Bunia where the payments would take place. In case of unavailability of school directors, the payments took place directly at the school or, in the case of one University, through a bank transfer.

¹²⁰ 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](#), para. 22

122. Once the school fees had been made, the TFV staff requested a physical verification by the school directors of the pupils in the class and report to the TFV staff in case of any irregularities.

123. The DIP had foreseen that educational support be directed at primary and secondary educational support as vocational training and university support would fall under the income-generating activities. Due to the Trial Chamber's decision of 12 October 2017, this approach to income-generating activities was not further pursued. As a consequence, the educational support also extended to university support or support for vocational training, insofar as requested by the beneficiaries.

124. The payments were effected in cash, in hand, by TFV staff and when possible in the presence of the LRV. The relevant receipts were signed by the school directors and the TFV staff. Victims and the LRVs received copies of the receipts.

3. Implementation

a. School year 2018/2019

125. Implementation for the school year 2018/2019 only started after the school had already begun in September 2018.

126. On 1 October 2018, a TFV-LRV joint meeting was organised with the heads of schools (Primary, Secondary and University) for the purpose of informing the schools on progress made and for the transmission of updated lists of students to the relevant schools. During this meeting, the Trust Fund communicated to the participants the relevant documents to be presented when paying school fees, the need for the presence of a witness who is a member of the School Management Committee at the time of the operation and the final verification of the lists of students. At this meeting, heads of schools were reminded of the need for the protection of the beneficiary pupils, of the need for ensuring confidentiality and that the payment of the required fees by the Trust Fund would occur in the next few days.¹²¹

127. The delivery by TFV of education fees was delayed by two weeks in October 2018 due to the security situation and Ebola outbreak that entailed limitations of travel of staff outside of Bunia but also from and to Bunia.¹²²

128. Shortly after the information about the travel limitations, the TFV was made aware that certain students were being excluded from attending school as a result of the non-payment of

¹²¹ 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](#), para. 24.

¹²² Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 6 December 2018, [ICC-01/04-01/07-3818](#), para. 21.

the school fees, as is the standard practice in the DRC. The TFV proceeded to call all heads of schools concerned to inform them that options were being explored for the payment to be carried out shortly. Heads of schools were urged to reintegrate students, pending imminent payment. Simultaneously, all other heads of schools (106 in total) were contacted by phone and informed of the delayed payment and its cause.¹²³

129. Subsequently, the TFV considered the option of paying all the fees via bank transfer. Three schools already had a bank account in US dollars, and the fees were paid through this method. The TFV then explored the option of assisting other schools to open bank accounts. However, following further inquiry, this proved impracticable in light of the lengthy and cumbersome process required to achieve this, including the need to produce a large number of documents that would subsequently need to be certified by a bank in Kinshasa. Accordingly, other options had to be explored.¹²⁴

130. The TFV then elected to proceed with paying in cash those schools located in Bunia (84 educational institutions) though not in the presence of the LRV as originally foreseen, given the travel limitations. The TFV staff visited each of these schools and, upon verifying the names of the students as well as the attendance register (*registre des fréquentations*), proceeded with the payment of the school fees for the first trimester of 2018 as well as any outstanding arrears that, following consultations with the parents (victims in the case) they had elected to have included in their reparations award. The importance of confidentiality was emphasised anew during the payment.¹²⁵

131. With respect to the 14 schools surrounding Bunia (an area within 25 kilometres maximum outside Bunia, including Bogoro and Nyakeru), the Trust Fund elected to invite the heads of schools to a location where hygienic procedures and infrastructure had been adjusted with respect to the Ebola outbreak and related health protocols (systematic use of antiseptic is required for all visitors, for instance). These heads of schools were paid in cash, upon verification of the attendance register. The importance of confidentiality was emphasised anew.¹²⁶

132. With regard to schools located in the Ebola-affected area (seven schools around Kasenyi and Tchomia), and one school located in a village not accessible due to security reasons, the Trust Fund could neither physically travel there nor invite their heads of school,

¹²³ *Ibid.*, para. 23.

¹²⁴ *Ibid.*, para. 24.

¹²⁵ *Ibid.*, para. 25.

¹²⁶ *Ibid.*, para. 26.

as per the JTAG recommendations. The Trust Fund therefore elected to map these schools and to determine to which educational network they belong (for instance the network of *Ecoles Conventionnées Anglicanes*, the Protestants Networks, the 82nd Africa Inland Church and the 39th Emmanuel Community, among others). The TFV then proceeded to identify their headquarters (*coordination scolaire*) in Bunia and to find the relevant contact details. Headquarters were then paid in cash or via mobile money transfer for the appropriate amount of money to be redistributed to the schools of their respective network. The money was then transferred to each school by the headquarters in the presence of TFV staff (for instance, by Airtel or m-pesa/Vodacom), who also ensured that the relevant school confirmed receipt of the payment. The importance of confidentiality was emphasised anew.¹²⁷

133. Ultimately, on the date of the TFV Report of 6 December 2018, the school fees of 316 students out of the 316,¹²⁸ including 313 students from kindergarten to university,¹²⁹ and 3 students in vocational training courses, had been paid for the first trimester of 2018.¹³⁰

134. The TFV put in place a system of refunding the beneficiaries upon production of an appropriately detailed receipt for school kits and uniforms. By 6 December 2018, 31 families received a refund for these costs from their education assistance reparations budget.¹³¹

135. The TFV provided the relevant victim's beneficiary (i.e. the parent of a minor or the adult victim themselves as applicable) with a copy of the receipt of payment.

136. On 13 December 2018, a detailed database of the payments made with respect to the school fees payment for the first trimester of the implementation was shared with the LRVs,¹³² as also reflected in the consolidated database shared with the Trial Chamber providing the breakdowns of expenditures by student.¹³³ It contained the name of the victim, his or her victim code as well as the amount (and the percentage of the total budget allocated for the education assistance modality that it represents) spent for the first trimester. As is apparent in the

¹²⁷ *Ibid.*, para. 27.

¹²⁸ *Ibid.*, para. 28.

¹²⁹ As reported by the TFV in its filing of 2 October 2018, 3 students benefitted from the payment of registration fees for admission exams to the University: *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](#), para. 24.

¹³⁰ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 6 December 2018, [ICC-01/04-01/07-3818](#), para. 28.

¹³¹ *Ibid.*, para. 31.

¹³² 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](#), para. 10.

¹³³ Annex A to Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#). A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

database, in four instances, the budget initially allocated by the beneficiaries to the education assistance modality was increased, with the agreement of the beneficiary, in order to cover the totality of the fees due.¹³⁴

137. Finally, on 16 and 31 January 2019 respectively, the Trust Fund transmitted copies of the receipts (*actes de reception*) relevant to the first trimester education payments to the LRVs.¹³⁵

138. Upon a comprehensive analysis of the database and the wishes of victims as transmitted in January 2019 by the LRV to the TFV based on the joint missions of February and August 2018,¹³⁶ the TFV proceeded with the payment of school fees for the second trimester between 21 January 2019 and 28 February 2019. The sole TFV staff member present in Bunia could only be supported for a short period by one TFV staff member from headquarters, given the new Ebola outbreak in Bunia on 12 February 2019 and ensuing travel and contact restrictions, after the travel restrictions had only been lifted on 28 January 2019.¹³⁷ Nevertheless, the TFV paid, with the exception of one individual, all the second trimester payments of educational assistance (where applicable), and no students were sent home from school due to a lack of payment. The TFV also prepared copies of the receipts, which have been shared with the LRVs.¹³⁸

139. The LRVs undertook a joint mission between 18 March 2019 and 12 April 2019 to meet with the victims in order to (i) update the victims' choices on the modalities of the collective reparations and (ii) follow the implementation of the collective reparations more closely and work together with the Trust Fund on the preparation of said modalities.¹³⁹ Any modifications by victims were communicated to the TFV and the implementation of the third trimester payment discussed. On 18 April 2019, a detailed calendar for the implementation of the education assistance for the third trimester was shared with the LRVs and the Trial Chamber.¹⁴⁰

¹³⁴ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 6 December 2018, [ICC-01/04-01/07-3818](#), para. 32.

¹³⁵ 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](#), para. 16.

¹³⁶ *Ibid.*, para. 24.

¹³⁷ *Ibid.*, para. 21.

¹³⁸ *Ibid.*, para. 25.

¹³⁹ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 3 July 2019, [ICC-01/04-01/07-3834](#), para. 6.

¹⁴⁰ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 3 July 2019, [ICC-01/04-01/07-3834](#), para. 8.

140. The third trimester payment was provided between 23 April 2019 and 3 July 2019. On 14 June 2019, the TFV handed over copies of the receipts relevant to the third trimester education payments to the LRVs. On 3 July 2019, the Trust Fund shared the updated databases with the LRVs and the Trial Chamber.¹⁴¹

141. In sum, educational support was provided for a total of 269 students, including two girls in vocational training and one university attendee. Around 72 percent of the victims' budget for educational assistance had been used for the first school year.¹⁴²

b. School year 2019/2020

142. On 3 June 2019, the Ministry of Primary, Secondary and Vocational Education of the DRC announced its intention to provide free basic education in all public primary schools and in the first two years of secondary schools, as prescribed in the Constitution.¹⁴³

143. On 26 August 2019, a first meeting was held between the TFV and Heads of Schools to plan the implementation of the educational assistance in private primary, secondary and higher education.¹⁴⁴

144. On 27 August 2019, the Secretary-General of the Ministry addressed a letter to all Provincial Directors of the primary and secondary education (*Enseignement primaire et secondaire et professionnel*) with the accompanying measures for the effective implementation of free education as from the academic year 2019/2020 for all classes in the primary school and for the first two classes in the secondary school.¹⁴⁵

145. As a result of the Government's decision, the TFV, in agreement with the LRVs, decided to delay the further payment of school fees in order to assess the effective implementation of this new measure from September to October 2019. Additionally, several victims requested to reallocate their remaining budget under the modality of educational assistance to the modality of income-generating activities instead.¹⁴⁶

146. Several meetings with Heads of Schools were held to assess the level of implementation of the free education policy, the outcome of which being that, despite the new law, pupils who

¹⁴¹ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 3 July 2019, [ICC-01/04-01/07-3834](#), para. 11.

¹⁴² Para. 17 of 3 July 2019 report

¹⁴³ 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](#), para. 39. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

¹⁴⁴ *Ibid.*,

¹⁴⁵ *Ibid.*, para. 41.

¹⁴⁶ *Ibid.*, para. 42.

attend public schools are still required to pay construction fees (*frais de construction*), i.e. fees supporting the refurbishing and equipping of schools, which ranges between USD 5 and 10 for one year, and a contribution of parents, which ranges between USD 10 and 25 per term. These amounts were set and agreed upon by the Parents Teachers Association and also cover running costs in schools in anticipation of subsidies from the Government.¹⁴⁷

147. As a result of the exchanges set out above, the TFV paid the above-mentioned contributions on a continuous basis, following the same method of implementation as used in the previous year of the implementation of reparations in the *Katanga* case.

148. For the 2019- 2020 school year, a total amount of USD 6,284.13 was paid for 45 victims (at least 70 pupils and students).¹⁴⁸

c. School year 2020/21

149. With the start of the 2020/2021 school year and the preparation of the school fee payments for the remaining victims, the TFV contacted the LRVs, in order to indicate if their clients wished for the TFV to continue the payments of school fees or school supplies, bearing in mind that basic education in public primary schools and in the first two years of secondary schools became free of charge, and, if so, for which students.¹⁴⁹

150. In case a victim did not wish for the TFV to continue payments for this modality, the victim was given the opportunity to shift his or her remaining budget towards an income-generating activity, such as the purchase of various products.¹⁵⁰

151. Upon receipt of the victims' choices on how to spend the remainder of their budget for this modality, the TFV paid school fees and reimbursed school supplies for a total of USD 2,026.38 for 13 victims.¹⁵¹

¹⁴⁷ *Ibid.*, para. 43

¹⁴⁸ 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](#), para. 44. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#); 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. 8. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

¹⁴⁹ 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. 9. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

¹⁵⁰ 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. 10. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

¹⁵¹ 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, 19 January 2021,

152. Thereafter, two beneficiaries shifted their budget as part of the housing assistance modality to the educational assistance modality.¹⁵² Accordingly, the TFV paid the school fees to the relevant educational institutions and reimbursed beneficiaries for education-related expenses.¹⁵³

153. With the improvement of the security situation outside of Bunia, the TFV invited two remaining clients of the OPCV LRV to Bunia to reimburse them for previous education-related expenses under this modality. With these payments, by 19 July 2021, all OPCV LRV clients had received their reparations in full.¹⁵⁴

154. As a result of these last payments, the educational assistance modality was fully implemented by 19 July 2021.¹⁵⁵

155. In accordance with the commitment made in the 19 July 2021 Update Report, the TFV shared its finalised databases with details on the beneficiaries of educational support with the LRVs¹⁵⁶ and the consolidated database with information pertaining to all beneficiaries concerned by this modality by way of a confidential, *ex parte* annex to the Trial Chamber.¹⁵⁷

4. Challenges

156. The method of implementation had to be adapted between 2018 and 2021 due to the security limitations and the Ebola and COVID-19 limitations on TFV staff and LRVs, as well as due to the DRC's free schooling policy. All these matters required the TFV to flexibly react to changed circumstances, finding solutions to avoid that any of the beneficiaries' dependents was excluded from schooling as a result of their dependency on the educational support modality. These challenges are described above.

[ICC-01/04-01/07-3870-Conf](#), para. 14. A public redacted version was filed on 24 September 2021: [ICC-01/04-01/07-3870-Red](#).

¹⁵² 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](#), para. 17. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3878-Red](#).

¹⁵³ 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](#), para. 15. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

¹⁵⁴ 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](#), para. 16. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

¹⁵⁵ *Ibid.*, para. 17.

¹⁵⁶ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 11. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

¹⁵⁷ Annex A of Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 12. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

157. Some other challenges pertained, in particular in the first year, to e.g. children who were registered at school by indicating names different from the ones given to the TFV and the LRVs by the beneficiaries, making it difficult to identify them. On many occasions, the indicated classes or school names were not correct, or children had changed schools in the meantime. The TFV staff was also contacted by beneficiaries who wished to allow more children, who had not been previously indicated during the collective choices interviews, to benefit from their associated school fee budget. Considering the limited ability of movement with respect to the JTAG Recommendation, getting in contact with the heads of schools in order to resolve these issues was challenging and time-consuming.¹⁵⁸

158. Furthermore, throughout the implementation, TFV and LRV exchanged emails in relation to any disputed amounts or changes in individual budgets of beneficiaries. Contact with beneficiaries was throughout the implementation dependent on the LRVs and usually happened during the entire implementation through the LRVs or with their explicit agreement.

Income-generating assistance (IGA) modality

1. Overview

159. In implementing the collective modality of income-generating activities (IGA), the TFV provided a total of 253 beneficiaries with at least one item of their choice to perform various IGAs.¹⁵⁹

160. The objective of the IGA modality was to enable beneficiaries to pursue income-generating activities. At the TFV-LRVs joint missions of February and August 2018, the beneficiaries were able to express what kind of IGAs they had in mind and what kind of items would be required to pursue these activities. Based on the choices expressed by victims, many of the beneficiaries chose items for conducting a small business or trade, such as in fuel, fish, or in various products, including rice, corn flour, wheat flour, cassava flour, sugar, oil, matches, powdered milk, body milk, beans, biscuits, candy, coffee, etc.¹⁶⁰ Other beneficiaries chose for a taxi business with motorcycles. In registering these activities, the TFV and LRVs divided these activities, as can be seen in Annex B1 of the Financial Report, as relevant to large IGAs, such as motorbikes or fuel, or to general business, which comprised a variety of items and small

¹⁵⁸ Update report on the implementation of the education assistance modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 6 December 2018, [ICC-01/04-01/07-3818](#), para. 29.

¹⁵⁹ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916](#), para. 9.

¹⁶⁰ Memorandum re: Purchase modality of the delivery of collective awards to victim beneficiaries in Katanga, income generating activity component, 13 February 2020.

IGAs, the latter referring to one specific category of items such as fish, which was also registered separately.

161. A specific category of IGAs is that of cattle. Awarding cattle to the beneficiaries was an important sign of reparations for the loss of a family member in Hema culture, i.e. in the culture of the victims of the attacks for which Mr Katanga was convicted. Accordingly, those who received cattle were supported in husbandry and also received reparations according to Hema culture.

162. At the above-mentioned meetings with victims, the TFV and LRVs recorded necessary information provided by victims for the purposes of the implementation of support towards the income-generating activities of their choice. Through the LRVs, the TFV was kept informed during implementation, of any changes to the choices and preferences of victims or of any other relevant information. Contact with the beneficiaries was organised either through the LRVs, or with their permission, directly by the TFV. Upon transfer of items or cash, the TFV sent electronically the receipts signed by beneficiaries, their witnesses and the TFV staff to the LRVs.

2. Cattle

163. Providing cattle as a form of reparations for the loss of family members is central to Hema culture as set out in the DIP. Therefore, the provision of cattle directly to the beneficiaries held more meaning than merely enabling husbandry.

164. Cattle was a form of reparation chosen by many of the beneficiaries. Nearly 1,000 heads of cattle were purchased by the TFV for the beneficiaries.

165. In February and July 2019, the TFV requested approval from the Trial Chamber for the implementation of this modality.¹⁶¹ On 2 August 2019, the LRVs expressed their support for the implementation proposals last set out in the 26 July 2019 Update Report.¹⁶² On 5 August 2019, the Trial Chamber approved the TFV's request of 26 July 2019.¹⁶³

¹⁶¹ 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](#);

¹⁶² *Réponse du Représentant légal à la demande d'approbation formulée dans le rapport du Fonds au profit des victimes du 26 juillet 2019*, 2 August 2019, [ICC-01/04-01/07-3837](#), para. 14; *Observations concernant le « 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 »*, 2 August 2019, [ICC-01/04-01/07-3838](#), para. 7, as cited in 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](#), para. 4.

¹⁶³ 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](#), para. 5.

a. Method of implementation for cattle

166. On the day of each cattle market, one TFV team was present at the market to receive the victims accompanied by their respective witnesses and with the required identity documents. The TFV team verified their identity, provided information on the process and ensured the administrative documentation for the purchase of cattle in a private office to assure the personal safety of the victims and uphold the confidentiality of the process (“market team”), while another team was located at a nearby secure and private location with the funds to pay all vendors upon presentation of the documents received at the market (“payment team”).¹⁶⁴

167. After briefing the victims, they visited the market independently and negotiated the prices for the cattle of their choice according to their allocated budget. The victims then returned to the market team to complete all the required documents, like the *acte de réception*,¹⁶⁵ the token (*jeton*) to be handed over to the vendor as justification for payment,¹⁶⁶ the medical certificate of the animals, the *feuille de mercurial de marché à bétail* to be stored in the archives of the market, and the *feuille de route*, which is a cattle transportation sheet established by the animal health inspector as proof that the cattle were in good health and not stolen. The TFV kept the original receipts signed by the victim, his/her witness and the animal health inspector, for financial documentation purposes, and gave a copy to the victim. The victim kept the original *feuille de route*, as it is a legal proof of ownership of the cattle.¹⁶⁷

168. When the vendor received the token signed by the TFV, the vendor and the market manager (*chef du marché*) had to sign the token. The vendor was informed of the location of the payment team and was provided with a transportation fee to get there. The market team sent pictures of the token and the vendor’s voter card to the payment team, so they could carry

¹⁶⁴ Both teams were accompanied by a security officer and a driver, as cited in 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](#), para. 11.

¹⁶⁵ The *acte de réception* contains all relevant information on the cattle, like the gender, age, weight, price, origin, colour, quality, vendor, buyer, destination and so on, as cited in 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](#), para. 12.

¹⁶⁶ The token contains information on the vendor, the number of cattle sold and the price. Different coloured tokens were used on different market days to eliminate any chance of fraud from vendors, as cited in 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](#), para. 12.

¹⁶⁷ 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](#), para. 12.

out a double verification of the required documents and prepared the payments beforehand. Upon payment, the payment team kept the token as proof of payment.¹⁶⁸

b. Implementation

169. Upon approval by the Trial Chamber, the TFV updated the database and the plan in collaboration with the LRVs in order to prioritise the most vulnerable victims and to group members of the same family. Additionally, the LRVs organised a meeting with victims in Bunia and Bogoro to inform them of the steps undertaken with regard to the cattle modality and to decide on the schedule, dividing them into groups for their visit to the cattle market.¹⁶⁹

170. Based on the calendar, the LRVs and the TFV, with the LRV's approval, contacted the victims a few days before the market day to invite them to the market in Bunia.¹⁷⁰ Victims were informed to bring along their national voter card, a witness with his or her national voter card and a cattle driver if necessary.¹⁷¹

171. In preparation of the first market pilot, the TFV organised a meeting with the support of the services team in the Field Office to request administrative and security support for the implementation of this activity. The TFV also held meetings with the Provincial Agriculture, Fisheries and Livestock Inspection (*Inspection provinciale de l'agriculture, pêche et élevage*), the Ituri Breeders' Cooperatives Association (*Association des coopératives des éleveurs de l'Ituri*), the Head of the Slaughterhouse (*chef de l'abattoir*), who is responsible for the compound, and the market manager (*chef du marché*), who is in charge of the cattle market itself. These meetings were aimed at informing them of the TFV's planned activity as well as requesting administrative support for the process. They provided the TFV with information about the required documentation for the sale, purchase and movement of cattle from one area to the next, an office to receive the victims on every market day in order to brief them about

¹⁶⁸ 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](#), para. 13.

¹⁶⁹ 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](#), para. 8.

¹⁷⁰ Due to the current security situation in the Province of Ituri and poor road networks largely worsened by heavy rainfall, the Trust Fund was not able to visit cattle markets outside of Bunia. All victims were received in Bunia and their transportation costs were covered, as cited in 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](#), para. 9.

¹⁷¹ 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](#), para. 9.

the process, ensuring discretion. The TFV had to make provision for power by always having a fueled power generator to provide power for printing and photocopying of documents.¹⁷²

172. On 2 September 2019, the first pilot visit to the cattle market took place with a small group of six victims in order to test and, if necessary, adjust the adopted approach. With no incidents and the general satisfaction of victims and vendors, the process showed to be efficient, enabling the TFV to invite larger groups of between eight and thirteen victims for subsequent market days.¹⁷³

173. Except for five visits to the cattle market which had to be cancelled due to the delayed transfer of financial resources, all market visits took place as planned. The victims' reactions were overwhelmingly positive. By 18 November 2019, in accordance with the TFV's planning, the cattle award, involving 187 victims and a total number of 912 cattle head, for a total value of nearly 341,000 USD, was fully implemented.¹⁷⁴

174. After the period of the COVID-19 pandemic, beneficiaries had requested to shift their individual budget to the purchase of cattle.¹⁷⁵ On 14 June 2021, the TFV visited the cattle market with eight beneficiaries and bought 33 cattle heads.¹⁷⁶ On 21 June 2021, the TFV visited the cattle market with one beneficiary and bought two cattle heads; for a total value of USD 12,550 on both market days.¹⁷⁷ On 4 October 2021, the TFV provided two beneficiaries at the cattle market with 8 cattle head, and on 18 October 2021, one beneficiary with 5 cattle head, for a total value of USD 4,500.¹⁷⁸

¹⁷² 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](#), para. 10.

¹⁷³ 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](#), para. 14.

¹⁷⁴ The Trust Fund intends to share a detailed database with the Trial Chamber and the LRVs in the course of this Week, as cited in 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](#), para. 15.

¹⁷⁵ 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 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-Exp-Anx](#), p. 2, as cited in 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](#), para. 30. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#);

¹⁷⁶ 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](#), para. 31. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

¹⁷⁷ *Ibid.*, para. 32.

¹⁷⁸ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 20. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

175. As a result, the implementation of this modality was completed on 18 October 2021.

3. Small IGAs and general business items

176. The first part of the implementation of small IGAs and general business items took place in 2019 together with the purchase of cattle. The main implementation period was in the second-half of 2020, after the first wave of COVID-19, followed thereafter by serving reparations to beneficiaries who decided to change the chosen collective modality or IGA activity into a small business. A small business could be supported by either one specific or various products, including rice, corn flour, wheat flour, cassava flour, sugar, oil, matches, powdered milk, body milk, beans, biscuits, candy, coffee, etc.¹⁷⁹

177. The beneficiaries chose small IGAs and general business items at a total value of USD 140,201.34. Between 2019 and 2022, the TFV provided, such items to a total count of 96 individuals, some of which are counted double because they received such items at different occasions. Method of implementation for small IGAs and general business items

178. The TFV's method of implementation of small IGAs and general business items followed the process put in place for cattle, given the purchase also took place on the market. Items were directly purchased from the vendors at the markets through funds disbursed by way of MODs.

179. On the days of implementation, the TFV grouped the victims according to the type of IGA and briefed the victims about the process, after which they would go independently to the identified stores, from which pro forma merchandise costs had been collected, to choose and collect their requested items. The TFV was present during this process and paid the vendors directly once the victims had made their choice. Upon receiving the items, the victims and a witness signed an *acte de réception*, which is kept by the Trust Fund for financial documentation purposes. A copy was shared immediately with the victim, as well as later with the LRVs.¹⁸⁰

180. The TFV covered the costs of transportation of the items to the location of the victim. In a situation where the victim was unable to collect all of their items as a result of insufficient storage or as a result of the perishable nature of the items, provision would be made for the vendor to provide the items in batches as per the request of the victims. A withdrawal voucher (*bon de retrait*) system would be set up to enable the victims to collect the needed quantity of

¹⁷⁹ Memorandum re: Purchase modality of the delivery of collective awards to victim beneficiaries in Katanga, income generating activity component, 13 February 2020.

¹⁸⁰ 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](#), para. 18.

items at their convenience. The TFV thus ensured the effective implementation in these cases by setting up a way to record and assess which victims had received their items in totality or partially.¹⁸¹

181. In July 2019, the TFV requested the Trial Chamber's approval for the proposed implementation for IGAs at a low value, taking into account that it had carried out meaningful consultations with all relevant Registry colleagues, including in order to ensure compliance with the RFF, and with the LRVs, and provided the Trial Chamber with as much detailed information as was realistic and possible.¹⁸² For IGA items, which, considered in bulk, had a value exceeding EUR 10,000, the TFV requested the Trial Chamber's approval on 17 July 2020 after concluding that the best method of implementation was by direct purchase based on disbursements through MODs.¹⁸³

182. The Trial Chamber approved the proposed method of implementation on 3 August 2020.¹⁸⁴

a. Implementation of small IGAs and general business items

183. On 4 September 2019, the first victims received their items for small IGAs, and by 13 September 2019, 26 victims had successfully received their items for a total amount of nearly 27,500 USD.¹⁸⁵

184. Starting on 28 September 2020, by 12 October 2020, 62 victims, who had originally chosen this modality, had successfully received IGAs for a total amount of nearly USD 96,100.¹⁸⁶ During this second phase of implementation, the originally approved implementation method required adaptation, because of security restrictions, which made it

¹⁸¹ 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](#), para. 43. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3836-Red](#).

¹⁸² *Ibid.*, para. 45.

¹⁸³ 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, para. 76. A public redacted version was filed on 22 June 2021: ICC-01/04-01/07-3857-Red.

¹⁸⁴ *Décision relative à la requête du Fonds au profit des victimes du 17 juillet 2020 sollicitant l'approbation de la Chambre des modes de mise en œuvre concernant les achats de motos, carburant et produits divers*, 3 August 2020, ICC-01/04-01/07-3859.

¹⁸⁵ 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](#), para. 19.

¹⁸⁶ 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. 20. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

impossible for TFOV staff to join the victims at the market, independently from whether they carried cash.

185. Two options were discussed with the LRVs to resolve this issue: (i) the victims choose the products at the market, present the bill to the TFOV staff at a different, secure location, where the TFOV provides them with the cash money for the victims to return to the market to pay for and collect their items; and (ii) the TFOV identifies a limited number of vendors who issue receipts in order to comply with the financial documentation needs of the MOD, and who agree to be paid at a secure location after the delivery of the products to the victims at the market. After consultation on 31 August 2020, both LRVs indicated their preference for the second option. Therefore, the TFOV identified suitable vendors at the market for this type of implementation, consulted them on the proposed way of payment,¹⁸⁷ and ultimately found vendors who agreed to this process.¹⁸⁸

186. Between October 2020 and 2022, a number of beneficiaries chose to use a part of their individual budgets for the purchase of small IGAs. LRVs communicated such a change in the choice of beneficiaries in writing to the TFOV. Subsequently, to prepare for the market day by selecting the relevant vendors, the TFOV required from the LRVs the communication of the specific choices of each of the victims.

187. The TFOV provided two beneficiaries on 4 October 2021, four beneficiaries on 5 October 2021, and two beneficiaries on 19 October 2021, with various products of their choice for a total value of around USD 14,100.¹⁸⁹ The TFOV provided one beneficiary on 17 October 2022 with products of his choice for a total value of USD 395.¹⁹⁰ Finally, the TFOV provided on 18 October 2022 one beneficiary with products of their choice for a total value of USD 2,250.¹⁹¹

4. Fuel

188. Fuel was purchased in large quantities to enable the beneficiaries to run a business in fuel. The TFOV provided 22 beneficiaries with fuel at a value of USD 35,345.25.

¹⁸⁷ 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](#), para. 27. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3861-Red](#).

¹⁸⁸ *Ibid.*, para. 27.

¹⁸⁹ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 22. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

¹⁹⁰ 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](#), para. 14. A public redacted version was filed on 28 October 2022: [ICC-01/04-01/07-3907-Red](#).

¹⁹¹ *Ibid.*, para. 16.

a. Method of implementation for fuel

189. Considering that fuel in Bunia is mostly sold informally by small vendors on the side of the road and that the few existing gas stations lack proper management structures, the TFV, in coordination with the Registry's procurement unit, could not revert to formal procurement methods. The TFV, supported by the Registry's procurement unit, was neither able to procure a vendor via an open tender nor via a provider of the United Nations in Bunia.¹⁹²

190. The specific method of implementation as approved by the Trial Chamber on 3 August 2020 was the following:¹⁹³

191. The TFV issued prepaid fuel coupons to victims equal to their respective budgets for this modality. Victims were received in groups of three to four per day, over a period of five days, providing their own barrels, for the collection of the fuel using their coupons. The transportation costs of victims with their fuel barrels as well as their witnesses to and from the fuel provider was covered by the TFV.¹⁹⁴

192. Once the victims received fuel, the coupons were kept by the TFV. Beneficiaries, their witnesses and TFV staff would sign the "*acte de réception*" with the precise amount of fuel received and the amount in dollars paid. The TFV kept the receipts and the "*acte de réception*" on record and shared copies with the LRVs.¹⁹⁵

193. The TFV organised a planning meeting with the fuel provider to agree on the issuance of these coupons, a fixed price over the period of implementation and on a detailed implementation calendar, which was then shared with the LRV for input. With the consent of the LRV, the TFV contacted the relevant victims in advance to inform them of the scheduled date and how the implementation would proceed, and confirmed their specific choices, if needed.¹⁹⁶

194. Upon approval of the Trial Chamber and clarification that the procurement process via the UN provider had failed, the TFV initiated, with the relevant units of the Registry, the

¹⁹² 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](#), para. 61. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#)

¹⁹³ *Décision relative à la requête du Fonds au profit des victimes du 17 juillet 2020 sollicitant l'approbation de la Chambre des modes de mise en œuvre concernant les achats de motos, carburant et produits divers*, 3 August 2020, ICC-01/04-01/07-3859.

¹⁹⁴ 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](#), para. 64. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

¹⁹⁵ *Ibid.*, para. 65.

¹⁹⁶ *Ibid.*, para. 66.

transfer of funds through and MOD to the Country Office, both for purchasing the fuel and for covering the victims' travel, the travel of their witnesses and transportation costs (to Bunia and for the transport of the fuel).¹⁹⁷ Thereupon, the TFV selected, with the support of the Country Office's security, an appropriate fuel station, where the TFV could safely purchase the fuel and the beneficiaries could safely and in confidence receive and load the fuel for transport.

b. Implementation

195. On 13, 19 and 23 November 2020, the TFV was present at a fuel station in Bunia, with the required security support, to distribute the fuel to beneficiaries residing in Bunia. As such, the TFV was able to provide the first beneficiaries with fuel for a total of around USD 14,800.¹⁹⁸

196. Due to the security and health situation, the TFV was only able to provide beneficiaries from outside of Bunia with fuel in 2021. By 7 June 2021, the TFV provided all but one of the remaining beneficiaries with fuel for a total value of about USD 20,105.¹⁹⁹ On 17 October 2022, the TFV provided the last programme beneficiary who had selected this IGAs with fuel for a total value of USD 450.²⁰⁰

5. Motorcycles

197. Motorcycles and tripods to run a taxi business were chosen by 49 beneficiaries at a total value of USD 49,305.78.

a. Method of implementation for motorcycles

198. Upon an unsuccessful open tender in 2019, the TFV in close coordination with the TFV procurement unit, solicited in 2020 bids from several motorcycles shops in Bunia and selected two providers that were paid on the basis of a purchase order. As part of this process, it became clear that the original choices of victims for specific motorcycles would partly not anymore fall within the individual budgets of the victims due to the higher costs, created by the COVID-19

¹⁹⁷ 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. 17. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

¹⁹⁸ 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, 19 January 2021, [ICC-01/04-01/07-3865-Conf](#), para. 23. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

¹⁹⁹ 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](#), para. 19. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²⁰⁰ 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](#), para. 13. A public redacted version was filed on 28 October 2022: [ICC-01/04-01/07-3907-Red](#).

pandemic, that impacted the delivery of motorcycles from China to the DRC. Accordingly, the TFV reached out to the LRVs with an overview of the available types of motorcycles, their price and delivery time, with the suggestion to inform the victims of the new prices and to consult with them on potential changes to their original choices of motorcycles or IGA.²⁰¹

199. 31 victims (including one of the OPCV LRV) chose a motorcycle at a higher price. The TFV decided to complement the higher prices with other resources, taking into account that the total amount that needed to be complemented was about 6 percent of the total price of the motorcycles. The TFV contacted in writing both LRVs and they confirmed both in writing that the proposed solution did not pose problems to the victims in terms of equal treatment.²⁰²

200. The method of implementation as approved by the Trial Chamber was the following:²⁰³ The TFV carried out the following preparatory steps: (i) the grouping of victims and scheduling these groups for the pickup/delivery of their selected items; (ii) obtaining a security assessment and updated recommendations from the Bunia Field Office security officers with respect to the location of implementation; (iii) continued consultations with the Court's medical unit to take the necessary precautions in light of COVID-19 and Ebola; (iv) communicating the proposed calendars and groups to the LRVs for their input; and (v) with the consent of the LRVs, contacting the relevant beneficiaries in advance to inform them of the scheduled date and how the implementation would proceed, as well as confirming their specific choices, if needed; (vi) providing the vendors with a list with the number of people and types of motorcycles and specifications required for each day to enable them to make the necessary arrangements. TFV staff welcomed all beneficiaries at the chosen location for the transfer.

201. Once victims received their motorcycle(s), they would be handed a copy of the receipt and asked to sign a receipt together with the relevant TFV staff. Beneficiaries were also required to sign a document acknowledging receipt ("*acte de réception*") together with a witness and a TFV staff member. The TFV kept the original receipt, and sent a copy together with the *acte de réception* to the LRVs. Victims would be provided with travel costs to cover

²⁰¹ 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](#), para. 52. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

²⁰² [Ibid.](#), para. 55.

²⁰³ [Ibid.](#), para. 57; approval by the Trial Chamber: *Décision relative à la requête du Fonds au profit des victimes du 17 juillet 2020 sollicitant l'approbation de la Chambre des modes de mise en œuvre concernant les achats de motos, carburant et produits divers*, 3 August 2020, ICC-01/04-01/07-3859.

the cost of travel to pick up the motorcycles, or as required with costs for fuel or transportation costs for the motorcycles.²⁰⁴

b. Implementation

202. Following the Trial Chamber's approval, the two selected vendors signed the purchase orders in mid-September, after clarification by the Registry's procurement unit sought from the vendors that their offers did not include VAT.²⁰⁵

203. Only one of the two selected vendors had the motorcycles ready for delivery on 1 October 2020. Moreover, this vendor indicated, on 30 September 2020, that two types of motorcycles, ordered by the TFV in accordance with the victims' choices, were, at the time, not available in the market for COVID-19 related reasons, and proposed two other types of motorcycles, equivalent in power and price to the ones ordered, to replace those. The victims were given the choice to agree to receive an equivalent motorcycle.²⁰⁶

204. On 1 to 2 and 14 to 16 October 2020, the TFV visited the first vendor, thereby delivering 20 motorcycles to 19 victims. Of the four victims who still had to receive motorcycles from this vendor, one did not agree to receive the equivalent of their chosen motorcycle and preferred to wait until it was available again on the market, and one was deceased in the meantime, for whom the Trial Chamber had to first decide on the successor (*repreneur*).²⁰⁷ In the week of 19 October 2020, the TFV organised the transfer of one motorcycle for one victim from the first vendor and of 11 motorcycles for 10 victims from the second vendor.²⁰⁸

205. The second vendor informed the TFV on 21 October 2020 that two types of motorcycles, ordered by the TFV in accordance with the victims' choices, were currently not available in the market for COVID-19 related reasons, and proposed two other types of

²⁰⁴ 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](#), para. 58. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

²⁰⁵ 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](#), para. 9. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3861-Red](#).

²⁰⁶ 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. 12. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

²⁰⁷ *Ibid.*, para. 13

²⁰⁸ *Ibid.*, para. 17.

motorcycles, for which the vendor provided the technical specifications on 11 November 2020, to replace those.²⁰⁹

206. Over the next period of months, the COVID-19 pandemic hindered beneficiaries to travel to Bunia for the transfer of the motorcycles; in addition, some of them had to decide whether to accept another type of motorcycle than originally wished for. Ultimately, the beneficiaries who had originally opted for motorcycles and maintained this choice received the motorcycles by June 2021.²¹⁰

207. One beneficiary informed by July 2021 that she wished to use his individual budgets for three motorcycles and could select them from the list of available motorcycles of the two vendors.²¹¹ On 28 September 2021, the LRV informed the TFV of this beneficiary's specific choice of the three motorcycles.²¹² Following consultations with the Registry, the TFV ordered the three motorcycles from the identified vendor in December 2021. The vendor then informed the TFV of a stock shortage and his inability to deliver the requested motorcycles. As a result, the TFV had to restart this purchase procedure. This beneficiary received on 6 October 2023 three motorcycles,²¹³ which thereby marked the completion of the implementation of this modality and the reparations implementation as such.

6. Fish

208. A total of 16 beneficiaries received instead of fish (fresh, salted and smoked), a total of USD 12,649.41 to buy such fish at the very early fish markets directly around Lake Albert, Kasenyi or Tchomia, as is customary in Bunia and surroundings. At these locations, they could

²⁰⁹ 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 20. A public redacted version was filed on 24 September 2021: [ICC-01/04-01/07-3870-Red2](#).

²¹⁰ 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](#), para. 22. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²¹¹ 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](#), para. 23. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#), as cited in Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 14. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

²¹² Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 15. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

²¹³ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916](#), para. 8.

supervise the process of smoking and salting fish, which is done by specialised people around the lake, and that there is a larger selection of fish that can be purchased at wholesale prices.²¹⁴

a. Method of implementation

209. The method approved by the Trial Chamber²¹⁵ consisted of providing the concerned beneficiaries with cash for the specific purpose of purchasing fish directly around Lake Albert. This method included a monitoring system for the TFW to verify that the amounts disbursed to these victims were used exclusively for this activity.²¹⁶

210. At the base of this request was the TFW's belief that the proposed alternative method of implementation of the fish award respected the parameters of the Reparations Order. The alternative method did not constitute a conversion of the IGA activity into monetary compensation, as the provision of cash only represented an intermediate step to enable the purchase of fish. Instead, it constituted an adaptation towards a more effective and efficient implementation modality of this particular IGA award.²¹⁷

b. Implementation

211. On 11 June 2021, the TFW invited 15 beneficiaries who had chosen the fish reparation modality to a secure location in order to provide them with cash for the purchase.²¹⁸

212. First, the TFW held a group meeting with the beneficiaries to explain the constraints faced by the TFW in the direct delivery of fish, the alternative method of implementation and the follow-up to be conducted by the LRV and the TFW 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.²¹⁹

²¹⁴ 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](#), para. 27.

²¹⁵ *Décision relative aux requêtes du Fonds au profit des victimes du 26 juillet et du 18 novembre 2019 et aux demandes du BCPV du 2 août 2019*, 12 December 2019, [ICC-01/04-01/07-3846-Conf](#), paras 46-49, as cited in 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. 24. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

²¹⁶ 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](#), para. 30.

²¹⁷ *Ibid.*, para. 32.

²¹⁸ 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](#), para. 25. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²¹⁹ *Ibid.*, para. 29.

213. Next, the TFV 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.²²⁰

214. The successor (*repreneur*) of an additional victim who had passed away received cash for fish business exceptionally on 8 October 2020 while receiving goods for general business items.

7. Challenges

215. In pursuing a victim-centred approach, the TFV made it a priority throughout the implementation phase to flexibly adapt to the choices of the beneficiaries. While this posed a number of administrative challenges, in particular in respect of the three last motorbikes for one beneficiary, the TFV was able to accommodate the wishes of the victims.

216. The context of COVID-19 and the restrictions to movement due to the security situation posed a rather high number of additional challenges, which though could be overcome and did not impede the implementation for extensive periods of time. Instead, even in the first COVID-19 year, 2020, the main bulk of IGAs were implemented safely and securely and the period between the approval of the modality by the Trial Chamber and the actual implementation of the activities remained short throughout the implementation period. The TFV however assumes that without the challenges of COVID-19 restrictions and the security impediments, implementation of the IGAs would have moved forward with less interruptions.

B. Housing support modality

1. Overview

217. A total of 57 beneficiaries have been provided with housing support as part of the programme at a value of USD 132,846.5.²²¹

218. The housing support modality responded to the harm suffered by many of the victims of having their houses destroyed during the attack of 28 February 2003. The objectives of this modality, based on the consultations held with the victims in 2018, were to provide them with decent housing within a reasonable timeframe; enable the acquisition of a plot of land for those beneficiaries who had expressed this wish; improve housing for beneficiaries who had

²²⁰ 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](#), para. 27. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²²¹ Thirteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 July 2023, [ICC-01/04-01/07-3915-Conf](#), para. 8. A public redacted version was filed on 7 August 2023: [ICC-01/04-01/07-3915-Red](#).

expressed this wish; and supply the necessary building materials for beneficiaries wishing to build or improve their own homes.²²²

2. Method of implementation

219. Before the method of implementation could be submitted to the Trial Chamber for approval, the TFV needed to determine how best to procure a company that would pursue the objectives of this modality.

220. The TFV, supported by the Registry's procurement unit, initiated a number of procurement initiatives to that end. These attempts were in detail summarized in the TFV report on this matter of October 2020.²²³ In September 2020, the TFV had to conclude, after having exhausted all available options, that, with the limitations of individual budgets and diverse wishes of victims in place, a construction partner, who would be able to construct and renovate homes as envisioned by the victims, in accordance with their needs and in a timely manner, could not be found.²²⁴

221. Therefore, the TFV considered that the only way to provide the victims with housing promptly and in accordance with their individual and original wishes was to ensure that the concerned victims received the financial resources for the construction or renovation of homes within their allocated individual budgets. The TFV noted that the construction materials would then most likely be bought and the houses be constructed within the community, thereby supporting the local market and local craftsmen. The TFV considered that the original prices included fees for the construction companies. Accordingly, even though construction materials as such may have become more expensive due to COVID-19, the TFV considered that the individual budgets may suffice to build the houses as originally planned or to renovate the houses. However, the concrete planning and distribution of the budget would be left to the victims based on the advice of the craftsmen in their communities.²²⁵ In addition, the TFV decided to provide the victims with a lump sum for costs such as transportation of materials, in addition to the victims' individual budgets.

²²² Annex 2 to the *Soumission du Représentant légal relative à la mise en oeuvre des réparations collectives*, 22 November 2018, [ICC-01/04-01/07-3815-Anx2](#), p. 3.

²²³ 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. 31. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

²²⁴ *Ibid.*, para. 40.

²²⁵ 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. 41. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3865-Red](#).

222. During a meeting held on 9 October 2020, the TFV discussed this possibility with the LRV, who expressed that there would be a need to clearly and personally communicate with the victims about this change in the modality. He stressed that it would be necessary for him to be able to talk to the victims. He, however, agreed with the proposed way forward, drawing at the same time attention to the fact that for some victims – particularly those with poor health or the elderly – it may be difficult to proceed with the construction/renovation in this way.²²⁶

223. The TFV agreed with the LRV on the importance of consulting with the victims on this change in the modality.²²⁷

224. Taking into account the concerns of the LRV, the TFV therefore proposed to proceed as follows:²²⁸

- a. To ensure together with the LRV that the concerned victims were properly informed, the TFV would consult with the LRV and the Country Office on how to best reach out to the victims and meet them; for this purpose a schedule would be developed;
- b. Upon such information for the attention of the victims, to give time to the victims to consider how they could themselves implement this modality and for them to take the necessary preparatory steps;
- c. To arrange for the delivery of the financial resources to the victims in close proximity to the start of works for their structures or renovation works;
- d. For the TFV to monitor the progress of the implementation in general terms and report to the Trial Chamber on finalisation.

225. The TFV, upon consultation with the LRV, also committed to the conversion of the implementation modality into financial support for victims who could not anymore due to their age or health engage in such building activities and report to the Trial Chamber accordingly.²²⁹

226. Holding the consultations with the victims in person as per the agreed plan proved difficult for the LRV due to the travel limitations caused by COVID-19. These consultations therefore only took place in 2021. On 30 April 2021, the TFV and the LRV jointly submitted an implementation plan for the housing assistance modality (“Joint Submission”) to the Trial

²²⁶ *Ibid.*, para. 42.

²²⁷ *Ibid.*, para. 43.

²²⁸ *Ibid.*, para. 44.

²²⁹ *Ibid.*, para. 45.

Chamber for its approval.²³⁰ This plan is contained in Annex A to this Joint Submission.²³¹ This plan set out in detail that the beneficiaries would receive cash in instalments to build or renovate houses, or receive cash to buy a plot of land. Documentation provided by the beneficiaries beforehand, including as to their right to build on the relevant plot, and monitoring of these activities to ensure that the funds were used for the intended purpose were central to this plan. An intermediary of the TFCV would have the task to verify the presence of the land plots to be purchased by beneficiaries, the existence of the houses that beneficiaries expressed the wish to purchase or renovate and the progress of the construction of their respective houses. Once the TFCV would be satisfied with the result of verifications based on the intermediary's reports, it would invite the beneficiaries, through their LRV, to receive the second, final payment due within the framework of the housing modality.²³²

227. On 5 May 2021, the Trial Chamber issued a decision, 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 TFCV to accommodate all victims' requests to switch to another reparations modality.²³³

228. Upon approval, the TFCV sent staff from Headquarters on mission to Bunia to support the TFCV staff in the Country Office in setting up the housing modality. The TFCV identified one intermediary for the monitoring of the housing construction process of beneficiaries. The TFCV provided the intermediary with the full background and training as to the expected role.²³⁴

229. In September 2021, the LRV held meetings with beneficiaries concerned by the housing assistance modality in order to gather more detailed information on their specific needs.²³⁵

230. In preparing for the implementation of this modality, the TFCV gave priority to three categories of beneficiaries: those who were particularly vulnerable due to their advanced age and health conditions, those who had already renovated or constructed their houses for which

²³⁰ Joint submission on the housing assistance modality with Confidential Annex A, 30 April 2021, [ICC-01/04-01/07-3879-Conf](#), a public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3879-Red](#), as cited in 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](#), para. 4. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²³¹ *Ibid.*, para. 11.

²³² 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](#), para. 16. A public redacted version was filed on 5 May 2022: [ICC-01/04-01/07-3902-Red](#).

²³³ 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](#), para. 6. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²³⁴ *Ibid.*, para. 7.

²³⁵ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 24. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3888-Red](#).

they were to be financially supported, and those who wished to purchase a specific plot of land or house.²³⁶

231. During meetings in November and December 2021, the TFV and the LRV discussed and the TFV fine-tuned the housing implementation plan²³⁷ in relation to the issue of rights to the use of land as put forward in the LRV Observations of 3 November 2021,²³⁸ the follow-up and verification of documentation pertaining to these rights by the housing intermediary, as well as the organisation of the payments for the housing assistance modality. As such, it was agreed that the LRV would transmit the beneficiaries' dossiers, containing all documentation regarding land rights and cost estimates collected during the LRV's mission in September, to the TFV on a rolling basis.²³⁹

3. Implementation

232. Following the first transmission of beneficiaries' dossiers from the LRV to the TFV on 8 December 2021, the TFV's intermediary conducted verifications and, thereafter, upon the TFV's satisfaction with the result of the verifications, payments for the beneficiaries were initiated by the TFV starting from December 2021 onwards.²⁴⁰

233. The continuous implementation of instalments to all beneficiaries who wished to take part in this modality was reported by the TFV in its quarterly update reports.²⁴¹ On 1 June 2023,

²³⁶ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 26. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3888-Red](#).

²³⁷ See Annex A to the Joint submission on the housing assistance modality, 30 April 2021, [ICC-01/04-01/07-3879-Conf-AnxA](#), as cited in 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](#), para. 11. A public redacted version was filed on 19 January 2022: [ICC-01/04-01/07-3893-Red](#).

²³⁸ *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](#), paras 13-24, a public redacted version was filed on 4 November 2021, [ICC-01/04-01/07-3889-Red](#), as cited in 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](#), para. 11. A public redacted version was filed on 19 January 2022: [ICC-01/04-01/07-3893-Red](#).

²³⁹ 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](#), para. 11. A public redacted version was filed on 19 January 2022: [ICC-01/04-01/07-3893-Red](#).

²⁴⁰ *Ibid.*

²⁴¹ 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](#), para. 17. A public redacted version was filed on 5 May 2022: [ICC-01/04-01/07-3902-Red](#); 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](#), para. 11. A public redacted version was filed on 26 July 2022: [ICC-01/04-01/07-3905-Red](#); 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](#), para. 25. A public redacted version was filed on 28 October 2022: [ICC-01/04-01/07-3907-Red](#); Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 18. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

the TFFV provided reparations to the successor (*repreneur*) of a beneficiary as a second instalment out of two for the amount of USD 660 for the construction of a house.²⁴² The implementation of this modality concluded with this payment.

4. Exceptional cases

234. Following the Trial Chamber's decision of 5 May 2021,²⁴³ a total of five beneficiaries received due to their specific situation, including their delicate health condition and advanced age, exceptional payments in the form of a one-off lump sum, and thus effectively benefitted from housing support in one instalment instead of the usual two.²⁴⁴

5. Challenges

235. The main challenge for the housing modality was to the decision-making process on the procurement method, given the original plan of TFFV had been that the houses would be constructed by a company for the beneficiaries. However, building houses in the simple style originally foreseen and for the available budget was only possible if the beneficiaries could organise this themselves, as is usual in Ituri Province.

236. Another challenge for the victims was that the funds were not always sufficient to fully finish the houses, given the planning and design of the houses were in the hands of the beneficiaries themselves.

237. Finally, given the need for the LRV to meet with the victims in person before the finalisation of the implementation plan for this modality and in order to assist them in the preparation of the relevant documentation, COVID-19 restrictions led to some delays in the process, with the consequence that the implementation of this modality started only at the end of 2021.

6. Exceptional cases

238. Following the Trial Chamber's decision of 5 May 2021, a total of five beneficiaries received due to their specific situation, including their delicate health condition and advanced age, exceptional payments in the form of a one-off lump sum, and thus effectively benefitted from housing support in one instalment instead of the usual two.

²⁴² Thirteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 July 2023, [ICC-01/04-01/07-3915-Conf](#), para. 9. A public redacted version was filed on 7 August 2023: [ICC-01/04-01/07-3915-Red](#).

²⁴³ Decision on requests related to the implementation of collective reparations, 05 May 2021, [ICC-01/04-01/07-3881](#).

²⁴⁴ 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](#), para. 21. A public redacted version was filed on 26 July 2022: [ICC-01/04-01/07-3905-Red](#); Sixteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2024, ICC-01/04-01/07, para. 10.

E. Psychological support modality

1. Overview

239. The psychological support modality was offered to the beneficiaries living in Ituri Province through a train-the-trainer programme to address post-traumatic stress disorder (PTSD) symptoms through group therapy. Over the period of three months at the end of 2022/beginning of 2023, beneficiaries were able to attend such sessions. The evaluation report of the expert coordinator contracted by the TFV to implement this modality is enclosed in Annex A1.

240. The existence of PTSD symptoms were reported to exist by an expert during the judicial reparations phase as set out above in Part II. The Trial Chamber found in the Reparations Order that victims had suffered psychological harm. Accordingly, the TFV proposed in the DIP that all beneficiaries of this case who were present in Ituri Province should have access to a counsellor trained in trauma-based counselling, who would – before offering counselling sessions – do an intake, explain the available modalities for counselling (“individual and/or group counselling”) and be available to the victims for any counselling. The part of the complement calculated by victim living in Ituri Province for this modality was USD 332, adding up (with 266 beneficiaires) to a total of USD 88,312. This was therefore the sum available for the implementation of psychological support in a region with a very limited availability of psychologists, less so in trauma-based counselling.²⁴⁵

2. Method of implementation

241. Upon consideration of various ways in which to procure the services of psychologists in Ituri Province, who could offer group and individual counselling to the beneficiaries, the TFV agreed with the LRV on the relevance of the report of the expert who had produced a report on the psychological harm suffered by the victims during the judicial reparations proceedings, as well as on the therein proposed model as a sound basis on which to further define the model of support to be provided to the *Katanga* reparations beneficiaries.²⁴⁶ Accordingly, the TFV contracted in 2020 this expert to develop a plan of action in the form of a Scope of Work or Terms of Reference (Action Plan), taking into account the amount available

²⁴⁵ 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. 29. A public redacted version was filed on 21 June 2021 : [ICC-01/04-01/07-3865-Red](#).

²⁴⁶ 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](#), para. 80. A public redacted version was filed on 22 June 2021: [ICC-01/04-01/07-3857-Red](#).

for this reparation modality and the general lack of readily available psychologists in Bunia (and more generally Ituri) who could provide counselling sessions to a rather high number of victims (266) who were to receive such sessions.²⁴⁷

242. The TFV shared the final version of the Action Plan for implementing this reparation modality, developed by the expert, with the LRVs on 12 January 2021, for their input and approval, and presented it to the Trial Chamber by way of an annex to its Report of 19 January 2021.²⁴⁸

243. The Action Plan presented 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.²⁴⁹

244. The first level consisted of, an informative/educational component, with the goal to bring awareness and educate victims and other members of the community on how to identify and recognise PTSD. The second level consisted of supportive psychotherapy counselling sessions using psychoeducation, empathic listening and cognitive-behavioural therapy (CBT) approach aimed at providing treatment to victims and their families in relation to PTSD to manage symptoms, learn coping skills, increase self-esteem and improve quality of life. Also to help replace a person's negative ideas and maladaptive behaviours with healthier thoughts and reactions.²⁵⁰

245. One of the challenges to implement the Action Plan was the shortage of qualified staff in the field of mental health, which greatly limited the appropriate management of mental health problems, especially in rural areas. Therefore, the focus of the implementation was on strengthening the local capacities available to deal with mental health problems. The methodology comprised of the identification of a local psychologist who would in turn identify respected community members who met the criteria and had interest in receiving training in the management of PTSD and who would, in return for a stipend, be in charge of victims to

²⁴⁷ 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. 29. A public redacted version was filed on 21 June 2021 : [ICC-01/04-01/07-3865-Red](#).

²⁴⁸ 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 33. A public redacted version was filed on 24 September 2021 : [ICC-01/04-01/07-3870-Red](#).

²⁴⁹ 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 34. A public redacted version was filed on 24 September 2021 : [ICC-01/04-01/07-3870-Red](#).

²⁵⁰ 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), paras 34 and 35. A public redacted version was filed on 24 September 2021 : [ICC-01/04-01/07-3870-Red](#).

provide supportive psychotherapy sessions using psychoeducation, empathic listening and cognitive-behavioural therapy approaches, under the supervision of the local psychologist. This process would need to be guided, supervised and monitored by an expert psychologist contracted by the TFV.²⁵¹

246. The Action Plan therefore had three outcomes: 1) providing treatment to victims individually and in group; 2) empowering self-care based on awareness of psychological trauma; 3) and, strengthening local capacities. A support pamphlet was used to assist self-awareness and self-care.²⁵²

247. Following the Trial Chamber's approval of the proposed plan, the vacancy for an expert coordinator was published on the ICC's website on 16 April 2021.²⁵³ The expert coordinator started their work on 1 June 2021.²⁵⁴ Shortly thereafter, a Bunia-based consultant, a psychologist by background, was contracted as the local expert, required by the Action Plan's methodology.

3. Implementation

248. The expert coordinator first worked on the development of a pamphlet on PTSD, which was to be disbursed to beneficiaries within the affected communities as part of the informative/educational component of the first level.²⁵⁵

249. A first draft of the pamphlet was shared with a TFV's local implementing partner in other programmes specialised in the implementation of psychological support. The TFV also conducted consultations with the LRVs.²⁵⁶

²⁵¹ 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 37. A public redacted version was filed on 24 September 2021 : [ICC-01/04-01/07-3870-Red](#).

²⁵² 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, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 38. A public redacted version was filed on 24 September 2021 : [ICC-01/04-01/07-3870-Red](#).

²⁵³ 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](#), para. 30. A public redacted version was filed on 21 June 2021: [ICC-01/04-01/07-3878-Red](#).

²⁵⁴ 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](#), para. 44. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²⁵⁵ 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](#), para. 47. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²⁵⁶ 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](#), para. 48. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

250. Following the LRV's comments, the pamphlet on post-traumatic stress disorder (PTSD), part of the informative/educational component of the psychological support modality, was finalised and translated.²⁵⁷

251. The TFV expert coordinator organised collective meetings with victims in Bogoro on 23 and 24 September 2021 with the TFV's expert based in Bunia, who would travel to Bogoro, identify interested persons from the local community that would receive training in the management of PTSD and that would, under their supervision, in return for a small stipend, be in charge of group and family therapy sessions and sessions of psychoeducation and cognitive-behavioural therapy.²⁵⁸

252. The TFV's local expert, in the physical presence of the LRV and the TFV, and with that of the expert coordinator via videoconference, presented and explained the pamphlet to the programme beneficiaries and discussed the upcoming counselling sessions with them in order to create a favourable environment for the implementation of the psychological support modality. Beneficiaries responded positively to both the pamphlet and the counselling sessions.²⁵⁹

253. Throughout November and December 2021, the TFV held meetings with the TFV's expert coordinator, the TFV's local expert and the LRV, with a view to organising the recruitment and training of the local resource persons with a background in healthcare or education, who would be trained to hold the counselling sessions.²⁶⁰

254. The local expert finalised the list of locally based resource persons to be recruited on 19 January 2022, which was thereafter shared by the TFV with both LRVs for their feedback.²⁶¹

²⁵⁷ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 27. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#).

²⁵⁸ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 28. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#); *See also* 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](#), para. 50. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²⁵⁹ Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#), para. 28. A public redacted version was filed on 19 October 2021: [ICC-01/04-01/07-3888-Red](#); *See also* 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](#), para. 51. A public redacted version was filed on 19 July 2021: [ICC-01/04-01/07-3885-Red](#).

²⁶⁰ 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](#), para. 13. A public redacted version was filed on 19 January 2022: [ICC-01/04-01/07-3893-Red](#).

²⁶¹ 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](#), para. 14. A public redacted version was filed on 19 January 2022: [ICC-01/04-01/07-3893-Red](#).

255. Throughout February and March 2022, the TFV's expert coordinator and the TFV's local expert held interviews in the presence of the LRV and of the TFV with a view to recruiting the local resource persons with a background in healthcare or education, who would be in charge of the counselling sessions.

256. Following this process, theoretical and practical training sessions on the management of PTSD were held by the expert coordinator assisted by the local expert with the thus recruited locally based resource persons.²⁶²

257. From 20 until 24 June 2022, the LRV, accompanied by a member of his team, conducted a field mission to Bunia in order to, *inter alia*, organise collective and individual meetings with beneficiaries to officially launch with the TFV the implementation of the psychological support modality, to liaise with his clients concerning any remaining issues they would like to raise in this respect.²⁶³ Subsequently, the TFV obtained from both LRVs updated contact details of the clients they are representing in order for them to benefit from the psychological support modality, except for a number of victims whom their LRVs had not been able to contact, and whose updated contact details the TFV did thus not receive.²⁶⁴

258. The psychological counselling phase was officially launched at the end of 2022 after four training sessions for the recruited locally based resource persons in charge of providing counselling sessions. During the launch of this phase, each locally based resource person 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 officially set to work and started interventions.²⁶⁵

259. The locally based resource persons (counsellors) contacted the beneficiaries by phone in order to update, if applicable, their address so as to make an appointment for a home visit. The counsellors then met the victims in person, explained to them the benefits of the intervention, the principles pertaining to it and the need to have several appointments. When the beneficiary stated that they wished to participate in the programme, a further appointment

²⁶² 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](#), para. 25. A public redacted version was filed on 5 May 2022: [ICC-01/04-01/07-3902-Red](#).

²⁶³ 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](#), para. 11. A public redacted version was filed on 5 May 2022: [ICC-01/04-01/07-3902-Red](#).

²⁶⁴ 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](#), para. 30. A public redacted version was filed on 28 October 2022: [ICC-01/04-01/07-3907-Red](#).

²⁶⁵ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 24. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

was made to assess the person's condition using the relevant questionnaire. The next step was the counselling of beneficiaries upon an analysis of the questionnaire by the counsellors. Finally, at the end of the three-month intervention, the above-mentioned questionnaire was used to assess the impact of the intervention on the relevant beneficiaries (post-intervention assessment).²⁶⁶

260. Throughout the implementation, the counsellors benefitted from advice from the TFV's experts, in particular concerning complicated cases.²⁶⁷ The experts also referred persons who required additional treatment to specialists working in Ituri Province, to ensure that their needs were taken care of, be it outside of the *Katanga* programme.²⁶⁸

261. Of 265 beneficiaries reported to still reside in Ituri Province at this time, whose contacts were given to the counsellors, most had been reached by 19 January 2023. About a quarter of the 265 beneficiaries could not be reached, either because of inactive phone numbers, or because they had moved to remote areas or outside the country.²⁶⁹ A total of 180 beneficiaries were contacted by the counsellors.

262. The experts reported encouraging progress regarding beneficiaries who had accepted to meet with the locally based resource persons.

263. About 1 out of 6 (a total of 30) of the beneficiaries who could be reached refused to participate in the survey. Among them were beneficiaries who were sceptical about psychological support, or who said that they had learned to cope with their condition or considered that it would be of no use considering that those who harmed them still had weapons and were now located only four kilometres from their village.

264. Accordingly, a total of 145 beneficiaries, i.e. 3 out of 5 of the eligible beneficiaries, agreed to receive treatment. The consultants reported encouraging progress regarding beneficiaries who had accepted to meet with the counsellors.²⁷⁰

²⁶⁶ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 25. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#); Twelfth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2023, [ICC-01/04-01/07-3913-Conf](#), para. 23. A public redacted version was filed on 20 April 2023: [ICC-01/04-01/07-3913-Red](#).

²⁶⁷ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 26. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

²⁶⁸ See the Report in Annex A1.

²⁶⁹ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), paras 25-26. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

²⁷⁰ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 27. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

265. During the three-month treatment period, the counsellors reported that the wellbeing of beneficiaries whose psychological health was initially improving was already starting to deteriorate due to the deteriorating security situation in and around Bogoro and Bunia in the same time period. The TFV's experts decided to organise a meeting with the counsellors to assess any mitigation measures that may be adopted in relation to the negative impact of the security situation on the efficiency of the programme.²⁷¹

266. The TFV's experts held a debriefing meeting with all facilitators of psychological support on 4 March 2023 on the psychological support provision since the beginning of the actual implementation. This meeting served to ensure that the post-intervention assessment was carried out with all beneficiaries. In addition, the participants assessed any mitigation measures that could be adopted in relation to the negative impact of the security situation on the efficiency of the programme.²⁷²

267. The expert coordinator submitted their concluding report (final version in Annex A1) to the TFV and reported in a meeting held on 28 February 2023 that the interventions carried out by the facilitators as part of this modality had a very positive impact overall. In general, 78% of victims experienced a reduction in the relevant score; and 34% fell below the morbidity threshold of 31, thereby representing a considerable reduction in PTSD symptoms.²⁷³

268. The expert coordinator also included a number of recommendations in her report that the TFV welcomed, recommending to continue the therapy sessions insofar as possible. Although the intervention in the context of the case *The Prosecutor v. Germain Katanga* had ended, the TFV's former expert in the field confirmed over time that several beneficiaries continued benefitting from counselling sessions provided by the locally-based psychological support counsellors on a *pro bono* basis.²⁷⁴

²⁷¹ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 25. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

²⁷² Twelfth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2023, [ICC-01/04-01/07-3913-Conf](#), para. 21. A public redacted version was filed on 20 April 2023: [ICC-01/04-01/07-3913-Red](#); See also Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2023, [ICC-01/04-01/07-3908-Conf](#), para. 25. A public redacted version was filed on 19 January 2023: [ICC-01/04-01/07-3908-Red](#).

²⁷³ Twelfth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2023, [ICC-01/04-01/07-3913-Conf](#), para. 34. A public redacted version was filed on 20 April 2023: [ICC-01/04-01/07-3913-Red](#).

²⁷⁴ Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916](#), para. 12.

269. Based on the expert coordinator's report, the TFV concludes that the approach taken to enable psychological support is promising in the context of Ituri Province and had an important added value for the beneficiaries.

4. Challenges

270. The main initial challenge of how best to ensure that a relatively high number of victims had access to therapy on PTSD symptoms in an environment with very limited psychological support and with a limited budget has been addressed by the TFV in cooperation with the LRVs in the method described above.

271. The second challenge was how best to address the beneficiaries in a way that created an interest in psychological support, keeping in mind that the beneficiaries had originally been reluctant about the need for or usefulness of a psychological intervention. In that regard, the Action Plan and use of locally based resource persons seems to have had positive effects, given 3 out of 5 of the beneficiaries agreed to the therapy sessions.

272. The third challenge related to conducting a psychological intervention in a steadily worsening security situation. Due to the timing of the intervention that coincided with various armed forces with activities in the close vicinity of Bogoro as well as of Bunia, the negative repercussions of an ongoing armed conflict on the psychological well-being of victims came clearly to the fore during the psychological interventions. This shows the challenges of implementing reparations, that aim at repairing harm that happened in the past, when the psychological, physical and material well-being of the same victims remain threatened by a continuing armed conflict. However, the psychological support modality had been planned in the context of the conflict that had erupted again in 2017. As the intervention was directed towards improving the beneficiaries' ability to cope with PTSD symptoms, the intervention showed, despite the armed conflict, improvements in the psychological wellbeing of the beneficiaries.

F. Measures taken beyond the Reparations Order

273. The implementation of the Reparations Order within the complement of USD 1 million concluded on 6 October 2023 with the completion of the IGA modality. The implementation of all other modalities had been completed before.

274. On 24 April 2024, as part of a joint endeavour of the TFV and of the Registry, with the support of the DRC government, and in the presence of Ambassadors and representatives from Belgium, Germany, the European Union, Senegal and the Netherlands, a ceremony was held

in Bunia, to mark the completion of the implementation of reparations in the case *The Prosecutor v. Germain Katanga*.²⁷⁵

275. The symbolic event was organised in pursuance of the request from the victims, who expressed the wish to memorialise the events that took place in the context of the armed attack against the village of Bogoro on 24 February 2003, which was the focus of the case. In this respect, the event thus sought to sensitise the international community in relation to these crimes and focus on the importance of non-repetition of similar events. The victims also expressed their need to engage in dialogue with judges of the composition of the Trial Chamber that had delivered the Reparations Order. Such a meeting was considered to be a measure of satisfaction or recognition and the dialogue aimed at giving victims the opportunity to listen to the reasoning behind the Reparations Order directly from the judge.

276. For this purpose, a vast majority of victims constituted themselves in a committee to devise the event and selected a spokesperson who would represent them.

277. Through discussions within the victims' committee, and consultations with the LRVs and with the TFV, the victims' committee actively co-designed and co-prepared the symbolic ceremony and its key aspects, as further described below.

278. More than 200 of the 297 reparations beneficiaries were present at the ceremony as well as their LRVs, and members of their respective teams.

279. The ceremony concluded with a dialogue between the beneficiaries of the reparations and the former Judge of the ICC, who presided over the Chamber that delivered the Reparations Order in this case. The victims' questions to him served primarily as a confirmation to the victims that no additional reparations could be expected. Victims also expressed their gratefulness for the process and their inclusion, including for the LRVs.

280. As part of the planning process for the symbolic ceremony, the TFV and the victims' committee considered whether it would be possible to commemorate the attack in a visible and symbolic way within Bogoro, not least because the ceremony could not be held in Bogoro due to the security situation prevailing in Ituri Province. Based thereon, the victims' committee engaged in the process of designing a monument to be placed in Bogoro at a location where many victims of the attack of 28 February 2003 had been killed. While the TFV as well as the victims themselves would finance a part of this monument, it was made possible through a contribution of USD 4,000 by the Embassy of the Federal Republic of Germany in Kinshasa.

²⁷⁵ See for this section: Seventeenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for victims, 19 July 2024, ICC-01/04-01/07-3933.

At the time of the filing of this report, the monument is under construction under the direction of this victims' committee and with the agreement and support of the community of Bogoro.

VI. ASSESSMENT

A. The Objectives

281. The TFV fully implemented the Reparations Order complementing the USD 1 million ordered by the Trial Chamber against Mr Katanga with resources stemming from voluntary contributions as set out in Annex B – Financial Report.

282. The TFV achieved the main objectives set by the Reparations Order (see *supra*, para.), which are to address the harm suffered by the victims in the way the Reparations Order and the decisions of the Trial Chamber, in relation to, and in the aftermath of the DIP, have envisaged: The individual awards were delivered to all beneficiaries. The collective award was implemented as approved by the Trial Chamber and agreed with the LRVs throughout the implementation process.

283. The other objectives set by the Reparations Order and based on the principles on reparations, are that the reparations should be meaningful to victims and be appropriate, adequate and swift (see *supra*, paras 36, 52). These are not easily measured or assessed.

284. One important aspect of whether a reparations measure is considered **meaningful, appropriate and adequate** may be the degree to which the victims were involved in designing these measures and having a say in the ultimate form of the measures. This Report shows that the victims themselves as well as through their LRVs had an essential say in the design of the form and content of the collective reparations measures: By way of example, victims decided what kind of IGA-related items they wished to receive (such as e.g. fish), which was the basis for the design of the IGA activities; they could decide how many and to which schools they would send their children, they could as such freely apply their 'individual budget' to any of the then available modalities or IGA activities and change their prior choices during reparations, thereby being able to adapt to new information or changed circumstances. The victim-centred nature of the implementation and the central role of the victims in the design and in each step of the implementation, including the full respect of their choices in relation to collective award modalities throughout the implementation, may be considered an apt tool for reflecting on whether the resulting reparations are meaningful to victims, adequate and appropriate.

285. Additionally, in assessing the **adequacy** of the measures, it matters that even within the collective award, victims had an individual budget and received the maximum value of this budget either partly in cash or in items of similar value. Accordingly, the economic value of nearly the entire award was directly made available to the beneficiaries. The TFV enabled this through direct implementation, which on the part of the TFV and the Court required additional administrative efforts, time of staff and costs relevant to the direct implementation. This direct implementation allowed the TFV to also flexibly react and enable the reparations despite e.g. rising prices of motorcycles due to COVID-19. This approach of making the entire economic value directly available to the victims, on the other hand, did not allow for training or accompaniment of beneficiaries in their IGAs, nor was the TFV in a position to monitor how the items provided to the beneficiaries were ultimately used by them. While this may be considered from a programmatic or long-term perspective as a disadvantage, the victims in this specific case expressed their preferences in clear terms, and training or other forms of accompaniment were not their priority. In addition, in the educational support modality and the housing support modality, as set out above, the TFV found ways to monitor that the funds were used for the intended purpose, i.e. that children attended school and that houses were built or renovated, or plots of land bought, both modalities thereby aiming at improving the livelihood of the beneficiaries. The psychological support modality, in addition, addressed PTSD of beneficiaries, bringing those matters to their attention and thereby also contributing to their healing and that of their families.

286. **Swiftness** of reparations can be assessed from several perspectives. In July 2018, at the time the judicial reparations proceedings fully concluded, nearly all 297 beneficiaries had already received their individual awards and the relocated victims their part of the collective reparations. Educational support was primarily delivered in 2018 and 2019 and the biggest part of the IGAs in 2019 and 2020. Housing support started in 2021 and extended into 2022. Psychological support, the modality that victims wished to receive at the end of the implementation, was available in 2022/2023 to the victims. This gives the impression of a swift implementation, but victims may have hoped to have received all modalities already by 2020, given the DIP had indicated a timeframe of two years for implementation. Looking at the DIP on the other hand, and given it was approved through decisions of the Trial Chamber throughout the implementation phase, the implementation of each approved modality started always shortly upon such approval and concluded within two years.

287. Another important way to assess these objectives, as well as the intended **long-term impact** mentioned in the DIP, such as that victims have a strengthened ability to cope with the

livelihood, financial and psychological trauma at issue and that they would appreciate the benefits as the result of judicial measures undertaken to remedy the harm suffered due to Mr Katanga's crimes (see *supra* para. 53) is through the immediate feedback received from victims.

288. Section III above on the individual awards shows that victims understood the purpose and goal of the symbolic awards. They expressed that they felt acknowledged in their suffering through this award and the manner in which they received the award (see *supra*, paras 89, 90), including through the feature that they could freely choose what to do with this award. Receiving the award directly from the TFV and the relevant LRV contributed to the understanding that the awards derived from the ICC as a consequence of a judicial order.

289. Furthermore, the TFV's engagement to organise a symbolic ceremony in April 2024, additionally to the reparations ordered by the Court, aimed at reinforcing this understanding of the victims. The former Presiding Judge of the Trial Chamber was present at the ceremony and answered, as requested by the victims, directly their questions after the ceremony. The President of the Court and the Presiding Judge of the Trial Chamber sent video messages to the victims acknowledging their suffering. The victims reinforced their understanding through a play performed by youth from Bogoro that put the message of the Rome Statue that the most serious crimes will not go unpunished, central. And ultimately, the victims accepted the reparations of the Court through cows in clay transferred to the present officials.

290. Accordingly, at the ceremony and also through the building of a symbolic monument in Bogoro to be finalised by the end of 2024, to commemorate the attack of 24 February 2003, victims have shown their understanding of the role of the Court, the meaning of the conviction of Mr Katanga and of the Reparations Order. They showed that they appreciated this role of the Court.

291. The TFV considers that this **sense of recognition** as expressed by the victims and their understanding that the reparations received derive from the Court's reparative justice mandate are an important result of this reparations implementation.

External Evaluation

292. The TFV considered that measuring these aspects, as well as the long-term impact of the reparations may best occur through an external evaluation and not only be based on the feedback received from victims, including through the LRVs. External evaluations had already been foreseen in the DIP as the main method of measuring the impact of the reparations on the victims.

293. Accordingly, the TFV commissioned in 2021 through an open procurement process conducted in 2020 an external evaluator, the University of Edinburgh. The focus of the study was to assess the impact of the reparations, primarily by reference to the intended **long-term impact**, such as that victims have a strengthened ability to cope with the livelihood, financial and psychological trauma at issue and that they would appreciate the benefits as the result of judicial measures undertaken to remedy the harm suffered due to Mr Katanga's crimes (see *supra* para. 53).

294. The evaluators carried out a field study at the end of 2022, in Bunia. At the time of the field study, the psychological support component was about to start and the implementation of the other modalities were nearly fully completed. The resulting evaluation report, based on a mixed-method approach, is enclosed as Annex C to the filing.

295. The TFV considers the evaluation to be highly informative on the impact of the reparations and the aspects that required assessment based on the Reparations Order and the DIP. The evaluation results are in line with the TFV's understanding of the context of Ituri Province and the way the beneficiaries have experienced the reparations. The TFV strongly welcomes the diligent way in which the evaluators considered the method to be applied and assessed the results of the field study, translating them into a very understandable report on the impact of the reparations on the beneficiaries.

296. The conclusion of the evaluation, which addresses the risks inherent in a reparations programme coinciding with a prolonged armed conflict, strongly aligns with the TFV's insights. The evaluation report suggests that the limited measured improvement in the livelihood situation is linked to the ongoing armed conflict, which has also exacerbated the issues related to the fungibility of the reparations. The evaluation has shown a positive impact of the reparations on the trust of the victims in the institution ICC in particular. With respect to the two intended long-term results, this may allow for the conclusion, among others, that beneficiaries understood that the measures received derived from the reparative justice mandate of the ICC. The study also came to the conclusion of a better psycho-social situation of the beneficiaries compared to the control group, even though the psychological support modality had not yet been implemented at the time of the study. This result of the evaluation supports the conclusion that the reparations had the effect of an improved ability of the beneficiaries to cope with the trauma they have experienced, even though the positive effects on the livelihood of the beneficiaries are modest, including due to the armed conflict.

297. The TFV concludes that even if victims wanted reparations to be delivered faster, the evaluation study confirms that the reparations implementation overall can be considered as

positive and in line with the results that the ICC and TFV set out to achieve. In addition, the evaluation underlines the importance and relevance of bringing reparative justice to the victims of the crimes for which the ICC convicts.

C. Lessons Learned

298. The TFV expresses the hope that this Report, which for the first time comprehensively sets out the reparations implementation in the case *The Prosecutor v Germain Katanga*, further contributes to the understanding and systematisation of reparations, reparations proceedings and reparations implementation.

299. The orders for reparations in recent cases such as *The Prosecutor v. Bosco Ntaganda* and *The Prosecutor v. Dominic Ongwen* have formed a different landscape compared to the case at hand, not least due to the much higher number of victims and the larger scale of the crimes, but also due to changing roles of actors in the process, such as the LRVs, the Registry, the TFV, as well as the Trial Chambers themselves. This report may assist in bringing additional information for the assessment of where the current jurisprudence and practice in terms of reparations stands. The TFV is committed to engage with the Court, legal representatives, the States and civil society in assessing how reparations can best be designed and delivered with a view to enhanced impact and common continuous learning – from this reparations case as well as other currently ongoing reparations cases.

D. Contributors

300. The delivery of reparations to victims was based on a Reparations Order, which in turn was based on a conviction of Mr Katanga. The work during the judicial proceedings of the Office of the Prosecutor, the Chambers, and the Registry, including the Victims Participation and Reparation Section, and the cooperation that States afforded to the Court in this case, set the context in which the Reparations Order would be issued.

301. The responsibility for the implementation of the reparation award in the *Katanga* case, while resting on the Trust Fund for Victims was possible due to contributions from various parts of the ICC system as a whole.

302. As described throughout the report, the LRVs were, through the delivery of their mandate, instrumental to the integration of victims in the design and implementation of the programme. The TFV witnessed the dedication of the two teams of legal representatives to their clients, ensuring that their voices would be heard and materialise into reparations. The TFV benefited from their collaboration throughout the six years of implementation of the programme.

303. The delivery of reparations was enabled by the Registry's committed support and assistance to the TFV's operations. This included tireless work in headquarters by the procurement unit, finance section, travel section, mission support section, legal office, travel, and the medical unit. At the country office level, this includes security, logistical and outreach support.

304. Voluntary contributions of the States Parties to the Trust Fund for Victims made the delivery of reparations possible. The TFV acknowledges the voluntary contributions received from the governments of the Kingdom of the Netherlands, the Federal Republic of Germany and Ireland, as well as from all other States that supported the TFV through unrestricted voluntary contributions. Unrestricted contributions to the TFV ensured resources for the TFV to cover additional expenses arising from the implementation of reparations, as described in Annex B – Financial Report.

305. The cooperation from the government of DRC was essential to the success of the programme. This includes contributions from provincial, regional and municipal authorities as well as school heads, those in charge of markets, banks, and other services in Bunia and beyond, which have enabled the reparations implementation throughout the six-year period. It also includes national authorities who engaged in the reparations proceedings and who supported the completion of the Closing Ceremony of the Programme.

306. The TFV benefitted from expert input for the delivery of the psychological support modality and from operational support from an intermediary engaged for the housing modality.

307. Former and current staff of the TFV, as well as Board members have worked for many years from Bunia, The Hague and beyond to realise this order. The relationship with the victims and the impact the measures have on their lives has fueled the dedication of Board members and staff to the ICC's mandate.

308. Ultimately, for reparations programmes to succeed, beneficiaries must be willing to participate and engage in the process. In this case, the beneficiaries, individually and as a collective, engaged in a meaningful and constructive manner with the TFV. Their positive attitude, patience and spirit of cooperation ensured the legitimacy of the programme and ownership at the local levels. They have inspired those privileged to witness from nearby their resilience and their embrace of the expressions of solidarity of this programme, which were delivered, as the Rome Statute provides, on behalf of the international community as whole.

LIST OF ABBREVIATIONS AND SHORT FORMS

ASP	Assembly of States Parties
Board of Directors	Board of Directors of the TFV
CODECO	
Court or ICC	International Criminal Court
DIP	Draft Implementation Plan
DRC	Democratic Republic of the Congo
EUR	Euro (currency)
FRPI	<i>Force de résistance patriotique d'Ituri</i>
FRR	ICC Financial Regulations and Rules
ICC or Court	International Criminal Court
IGA	Income generating activities
LRV	Legal representative of victims in the case <i>Katanga</i>
LRVs	LRV and OPCV LRV
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo
NGO	Non-governmental organisation
OTP	Office of the Prosecutor
OPCV	Office of Public Counsel for Victims
OPCV LRV	Counsel of the OPCV of victims in the case <i>Katanga</i>
RPE	ICC Rules of Procedure and Evidence
Statute	Rome Statute of the ICC
TFV	Trust Fund for Victims
Trial Chamber	Trial Chamber II of the ICC
USD	United States dollars (currency)
VAT	Value Added Tax
VPRS	Victims Participation and Reparations Section

**ANNEX A1 - REPORT OF EXPERT COORDINATOR ON THE
IMPLEMENTATION OF THE PSYCHOLOGICAL SUPPORT
MODALITY**



Fonds au Profit des Victimes
The Trust Fund for Victims



Trust Fund for Victims' Introduction to the Expert's Report on the psychological support intervention in the context of reparations ordered by the International Criminal Court in the case of *The Prosecutor v. Germain Katanga*

The Trust Fund for Victims ("TFV") hereby introduces the attached report of the psychological consultant Dr Espérance Kashala-Abotnes (hereinafter referred to as "Expert"), who led the psychological support intervention in the context of reparations ordered by the International Criminal Court in the case of *The Prosecutor v. Germain Katanga*. The psychological support modality forms part of the collective reparations ordered by the Trial Chamber on 24 March 2017.

The Expert was contracted in November 2020 to support the TFV in the preparation of the Scope of Work/Action Plan (hereinafter "Action Plan") proposed by the TFV in relation to psychological support to be implemented as part of reparations in the present case, as submitted to the Trial Chamber on 19 January 2021. The Action Plan is set out in Annex A attached to the 19 January 2021 filing and made public on 22 June 2021, available at the following link: [ICC-01/04-01/07-3879-AnxA-Red](#).

The Expert was then contracted based on a competitive process by the TFV on 1 June 2021 to lead and oversee the implementation of the said Action Plan approved by the Trial Chamber on 18 February 2021.

The Action Plan presented 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. The first level consisted of, **an informative/educational component**, with the goal to bring awareness and educate victims and other members of the community on how to identify and recognise PTSD. The second level consisted of supportive psychotherapy **counselling sessions using psychoeducation, empathic listening and cognitive-behavioural therapy (CBT) approach** aimed at providing treatment to victims and their families in relation to PTSD to manage symptoms, learn coping skills, increase self-esteem and improve quality of life, as well as to help replace a person's negative ideas and maladaptive behaviours with healthier thoughts and reactions.

One of the challenges to implement the Action Plan was the shortage of qualified staff in the field of mental health, which greatly limited the appropriate management of mental health problems, especially in rural areas. Therefore, the focus of the implementation was on strengthening the local capacities available to deal with mental health problems. The methodology comprised the identification of a local psychologist who would in turn identify community members who met criteria and had interest in receiving training in the management of PTSD and who would, in return for a stipend, be in charge of victims to provide supportive psychotherapy sessions using psychoeducation, empathic listening and cognitive-behavioural therapy approaches, under the supervision of the local psychologist. The expert would guide and supervise the work of the local psychologist throughout the process.

The Action Plan therefore had three outcomes 1) provide individual and group therapies to victims, 2) empower self-care based on awareness of psychological trauma, 3) strengthen local capacities. A support pamphlet was used to assist self-awareness and self-care.

The present document is the independently prepared final report of the Expert, which includes an assessment of the mental health of victims at the beginning and end of the treatment.

**RAPPORT D'EXPERTISE DE L'INTERVENTION PSYCHOLOGIQUE DANS LE
CADRE DE LA REPARATION AU PROFIT DES VICTIMES DANS L'AFFAIRE
KATANGA**

Prof. Dr. Espérance KASHALA-ABOTNES

Octobre 2023

Révisée en décembre 2024

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I. INTRODUCTION

Ce travail d'expertise au soutien psychologique des victimes a été effectué dans le cadre des réparations ordonnées par la Cour pénale internationale dans l'affaire Le Procureur c. Germain Katanga.

En qualité d'experte, j'ai été engagé par le Fond au profit des victimes le 1er juin 2021 pour diriger et superviser ce plan d'action.

C'est à la requête du Fonds des victimes et dans le cadre de la réparation au profit des victimes dans l'affaire Katanga qu'il m'avait été demandé de proposer une intervention psychologique efficace et efficiente pour la prise en charge du trouble de stress post traumatique (TSPT). Ceci dans une contrée dépourvue de personnel qualifié dans la prise en charge des problèmes de santé mentale, et avec des moyens financiers limites.

L'objectif principal de notre mission a donc été de proposer et implémenter une intervention psychologique pour la prise en charge des victimes avec symptômes du TSPT dans un contexte avec des ressources financières et humaines limites.

Le but étant d'améliorer le bien-être psychologique, la réinsertion sociale, la santé mentale et la qualité de vie des victimes présentant le TSPT et par ce biais d'améliorer le bien-être communautaire en réduisant la charge de morbidité et promouvant la santé mentale de la population en général.

Cette intervention consiste à prendre en charge des personnes avec symptômes du TSPT, en utilisant des moyens financiers limites, et des ressources humaines locales n'ayant au préalable aucune formation en management des problèmes de santé mentale.

Etant donné ces limitations, nous avons proposé une approche interventionnelle à deux volets: un volet informatif et éducatif communautaire, ainsi qu'un volet de mise en œuvre de l'intervention psychologique par le renforcement des capacités locales disponibles.

Pour le volet informatif et éducatif, nous avons utilisé des fiches pédagogiques, brochures et séances informatives sur le TSPT avec la communauté.

Pour la mise en œuvre de l'intervention psychologique, nous avons recouru au renforcement des capacités par l'identification des personnes ressources avec compétences de leadership que nous avons formées aux méthodes de prise en charge du TSPT.

Nous avons, avec le Fonds au profit des victimes, et en consultation avec le Représentant Légal des Victimes, recruté des personnes ressources (encadreur) au sein de la communauté.

Ces encadreurs ont été recruté parmi les enseignants, le personnel soignant, et les leaders locaux vivant à Bogoro ou dans les environs. Il s'agit de personnes sans formation préalable en santé mentale, mais qui ont été formées sur terrain sur les approches thérapeutiques d'accompagnement et soutien psychologique pour la prise en charge du TSPT.

Ces membres de la communauté ont été formés à l'identification des symptômes du TSPT et à la prise en charge thérapeutique basée sur la parole, l'écoute et le soutien (accompagnement) psychologique.

En utilisant les ressources matérielles et humaines disponibles localement, nous offrons une approche thérapeutique acceptable, accessible et adaptée aux victimes et à la communauté, réduisant ainsi la stigmatisation, favorisant l'insertion sociale et le bien être mental.

Cette approche communautaire permet d'assurer une action durable et efficace pour le bien-être mental des victimes, et par leur biais, celui de la communauté entière en réduisant le fardeau lié à la morbidité.

II. CONTEXTE ET OBJECTIFS DE L'INTERVENTION PSYCHOLOGIQUE

Contexte de l'intervention

Ce présent travail a eu pour objectif de proposer une prise en charge psychologique de façon à améliorer le bien-être psychologique, la réinsertion sociale, la santé mentale et la qualité de vie des victimes de l'attaque de Bogoro du 24 Février 2003 présentant un trouble de stress post traumatique (TSPT). La mission sur terrain a été effectuée à Bunia, Kasenyi et Bogoro, en République Démocratique du Congo (RDC) sur une période prévue de trois mois en 2021, mais qui a été plus longue à la suite de la pandémie Covid 19.

Cette intervention a fait suite aux résultats du mapping en 2015-2016 qui nous avait permis d'identifier un nombre important de personnes présentant des symptômes du TSPT et des symptômes anxio-dépressifs. C'est dans ce cadre que les Représentants légaux avaient obtenu gain de réparation au profit des victimes dans l'affaire Germain Katanga. C'est dans ce contexte que la Chambre de première instance a ensuite attribué un soutien psychologique pour les victimes dans le cadre des réparations ordonnées dans l'affaire Katanga.

A la requête du Fonds au profit des victimes et dans le cadre de la réparation au profit des victimes de l'affaire Katanga, il m'avait été demandé de proposer une intervention psychologique efficace et efficiente pour la prise en charge du TSPT. Ceci dans une contrée dépourvue de personnel qualifié dans la prise en charge des problèmes de santé mentale.

La population cible et bénéficiaire de l'intervention proposée étaient avant tout les victimes de l'attaque de Bogoro de 2003 qui présentaient des symptômes du TSPT. Toutefois l'intervention proposée avait aussi une visée communautaire et se proposait de faire bénéficier la communauté à travers le renforcement des capacités locales.

Cette intervention thérapeutique a consisté en une approche communautaire par la formation des prestataires locaux à l'identification et la prise en charge du TSPT de façon à bénéficier non seulement aux victimes mais aussi à la communauté.

Le choix de l'approche communautaire s'est essentiellement justifié par le manque de personnel de santé et en santé mentale, particulièrement en milieu rural.

Le renforcement des capacités locales a été possible par le recrutement des personnes ressources avec compétences de leadership telles que les enseignants, le personnel soignant, et leaders locaux vivant à Bogoro ou dans les environs.

Ces membres de la communauté ont été formés à la prise en charge du TSPT par l'identification des symptômes et la thérapie basée sur la parole, l'écoute empathique et le soutien (accompagnement) psychologique.

Objectifs de l'intervention

L'intervention avait pour objectif principal la prise en charge psychologique des victimes dans l'affaire Germain Katanga présentant des symptômes du TSPT.

Les objectifs secondaires étaient les suivants :

1. Former des personnes locales qui assureront et continueront d'assurer le soutien psychologique des personnes présentant des symptômes du TSPT, même après la fin de l'intervention.
2. Renforcer les capacités locales de façon à promouvoir l'auto-gestion des troubles psychologiques dans un contexte de pénurie de personnels qualifié en santé mentale.
3. Réduire les symptômes de TSPT parmi les victimes affectées et assurer leur bien-être physique et psychologiques.
4. Favoriser la réinsertion sociale, améliorer la santé mentale et la qualité de vie des victimes et par ce biais réduire le fardeau communautaire.

III. METHODOLOGIE DE TRAVAIL

Afin de parvenir aux objectifs assignés, nous avons choisi une méthodologie de travail spécifique et largement validée pour la prise en charge des problèmes de santé mentale en milieu affecté par la pénurie en personnel de santé mentale. Elle consiste au renforcement des capacités locales par l'identification et la formation des ressources humaines disponibles à la prise en charge du TSPT.

1. Site et population cible

La présente mission a été effectuée dans la province de l'Ituri située au nord-est de la République Démocratique du Congo. La population concernée est celle des bénéficiaires des réparations au profit des victimes dans l'affaire Katanga vivant à Bunia, Bogoro et Kasenyi.

Toutefois l'intervention auprès des victimes bénéficie aussi à long terme à toute la communauté de Bogoro et des villages avoisinants par le renforcement des capacités locales et une meilleure prise en charge du TSPT.

La liste des victimes et leurs coordonnées mises à jour nous ont été fournies par les Représentants Légaux des Victimes, à savoir respectivement Maître Fidel Nsita et Maître Paolina Massidda.

2. Période préparatoire et recrutement sur terrain dans le cadre de l'intervention psychologique au bénéfice des victimes dans l'affaire Katanga

La mission d'intervention s'est déroulée en plusieurs étapes à savoir le recrutement du psychologue et des encadreur, la formation des encadreurs à la prise en charge du TSPT, et l'intervention proprement dite sur terrain.

La période préparatoire s'est déroulée sur une période de 1 mois suivie de 3 mois de travail sur terrain. Il est toutefois important de signaler que suite aux difficultés rencontrées sur terrain et à la pandémie Covid 19, notre intervention a duré plus longtemps que prévu.

3. Cadre de travail et recrutement des encadreurs

En collaboration avec l'équipe du Représentant Légal Maître Nsita, et le soutien logistique du Fond aux profit des victimes, nous avons procédé aux entrevues et recrutement des candidats identifiées par le psychologue Dr. Bagamba.

Dr Bagamba est un psychologue clinicien et notre point de contact sur terrain. Il a une bonne connaissance de la contrée pour y avoir travaillé longtemps en collaboration avec le Représentant Légal Maître Nsita dans le dossier des victimes dans l'affaire Katanga.

Le choix des encadreurs locaux avait pour objectif de renforcer les capacités locales, assurer la continuité du suivi et offrir une approche thérapeutique acceptable, accessible et adaptée aux victimes et à la communauté. Une approche réduisant la stigmatisation et favorisant l'adhésion à l'intervention et la réinsertion sociale.

Les candidats encadreurs identifiés étaient évalués sur base de leur santé mentale, leur disponibilité, leur capacité de résilience, leur compétence de leadership et leur motivation à pouvoir continuer d'offrir le soutien psychologique à la communauté après la fin de l'intervention.

Ces personnes ont été formées aux méthodes de prise en charge du TSPT dans le but d'assurer une action durable pour le bien-être des victimes et de la communauté.

4. Formation des encadreurs recrutés et pilotage des outils de travail

La formation des encadreurs recrutés a été organisée et donnée par la psychiatre Dr. Kashala-Abotnes en collaboration avec le psychologue Dr. Bagamba.

La formation des encadreurs s'est déroulée à Bogoro pendant deux semaines. Elle a essentiellement consisté à former les encadreurs sur l'identification des symptômes du TSPT et la prise en charge thérapeutique basée sur la parole, l'écoute empathique et l'accompagnement psychologique.

Au cours de cette formation, nous avons eu des séances pratiques simulant des situations réelles. Ceci nous a permis d'utiliser et tester les instruments de travail

(questionnaires de dépistage) et d'améliorer les stratégies d'approche sur base des différents retours reçus des encadreurs.

A la fin de la formation, chaque encadreur a reçu un manuel de terrain avec toutes les instructions et procédures à suivre pour s'assurer de l'uniformité de la prise en charge sur terrain.

Chaque encadreur avait la possibilité de contacter directement au besoin soit le Dr. Bagamba ou Dr. Kashala-Abotnes et ce durant toute la durée de l'intervention. En plus, nous avons organisé des séances de supervisions des encadreurs durant la durée de l'intervention pour leur donner la possibilité de discuter certains cas au besoin et de poser des questions sur certaines situations difficiles ou complexes.

5. Outils de travail

a) Définition des termes des différents troubles psychiatriques fréquemment rapportés par les victimes.

Le trouble de stress post-traumatique

Le trouble de stress post-traumatique (TSPT) désigne un type de trouble anxieux sévère qui se manifeste à la suite d'une expérience vécue comme traumatisante avec une confrontation à des idées de mort. Le trouble de stress post-traumatique est une réaction psychologique consécutive à une situation durant laquelle l'intégrité physique et/ou psychologique du patient et/ou de son entourage a été menacée et/ou effectivement atteinte. Les capacités d'adaptation du sujet sont débordées et la réaction immédiate à l'événement est traduite par une peur intense, par un sentiment d'impuissance ou par un sentiment d'horreur.

Le TSPT est un état émotionnel similaire à l'attaque de panique, mais qui se différencie par la cause bien connue qui est un événement traumatisant, tel que le viol, un accident de voiture, mort violente, agression, un désastre naturel ou dans les cas les plus connus, une guerre. Le symptôme essentiel à retenir dans le TSPT est la présence de

réurrences « flashbacks » en état d'éveil ou sous la forme de cauchemars. Lors de ces réurrences, l'individu revit l'événement qui l'a traumatisé, et présente une charge émotionnelle aussi intense que lors de l'événement lui-même.

Pour illustrer, nous reprenons le récit de l'une des victimes qui dit : « Je fais souvent des cauchemars où je cours de façon interminable et j'enjambe des cadavres alignés par terre et il y a du sang partout. Souvent quand je suis seule, j'ai peur et j'ai l'impression de revivre les événements, le tout me revient et j'entends des coups de feu, j'ai très peur, je tremble, j'ai mal au ventre, me sens flageolante et j'ai envie de vomir. Pendant plusieurs années, il m'était impossible de prendre le chemin qui mène au Mt XXXX car à chaque fois que j'y passais je perdais connaissance, j'avais l'impression de revivre ce qui s'est passé le 24 février 2003 ».

Les troubles anxio-dépressifs

Les troubles anxio-dépressifs sont des troubles se présentant avec une composante émotionnelle et/ou fonctionnelle. Le sujet rapporte des signes d'anxiété et/ou dépressifs, tels que l'insomnie, la fatigue, l'irritabilité, les céphalées, le manque d'intérêt, des crises de panique, l'évitement, la somatisation, les idées suicidaires, l'anhédonie, l'amaigrissement, l'humeur dépressive, la perte d'estime de soi, le sentiment de culpabilité, les difficultés de concentration, etc.

L'une des victimes examinées rapporte : « Je n'arrive pas à dormir profondément. Je me réveille tous les jours aux environs de 4 heures du matin sans le vouloir et j'ai tout le temps peur quand je suis seule. Nous avons été attaqués par surprise à l'aube et chaque fois j'ai l'impression que cela peut encore arriver. Je me sens souvent coupable de la mort de mon petit frère qui a été tué lorsque nous fuyions car j'aurai dû bien fort lui tenir la main pour qu'il ne tombe pas et ainsi le sauver des assaillants. Je me suis mis à boire l'alcool pour essayer d'oublier mais ce n'est pas facile, j'ai souvent mal à la tête et pas d'appétit. Il m'arrive parfois de vouloir mettre fin à ma vie quand je pense à cette situation et à mon avenir incertain ».

Cette victime rapporte et présente des éléments à caractère anxiodépressif avec une importante composante dépressive (idées suicidaires).

Les troubles du fonctionnement social et comportemental

Les troubles du fonctionnement social et comportemental se définissent comme un ensemble de comportements négativistes, hostiles ou provocateurs, persistant pendant au moins 6 mois. La perturbation des conduites entraîne une altération cliniquement significative du fonctionnement social, scolaire ou professionnel.

b) Choix et sélection des outils de travail

Comme outil d'identification des symptômes du TSPT, nous avons utilisé le *Posttraumatic Stress Disorder Checklist for DSM-5 (PCL-5)*. Il s'agit d'un instrument de mesure standardisé pour le dépistage du TSPT qui reprenant les critères diagnostiques du Manuel Diagnostique et Statistique des Troubles Mentaux Version 5 (DSM 5).

Le PCL-5 est un questionnaire de 20 éléments correspondant aux critères de symptômes du DSM-5 pour le TSPT. Ces 20 éléments sont scorés de 0 (pas du tout) à 4 (extrêmement). Le score total de gravité des symptômes (plage de 0 à 80) peut être obtenu en additionnant les scores de chacun des 20 éléments. Selon les résultats des recherches antérieures, un score total supérieur ou égale à 30 est suggestif du TSPT. Nous avons adopté la même valeur dans le cas de notre intervention.

Le PCL-5 peut être utilisé aux fins suivantes :

1. Surveillance de l'évolution des symptômes pendant et après le traitement
2. Dépistage des individus présentant des symptômes du TSPT.
3. Faire un diagnostic provisoire du TSPT.

Le choix de cet instrument a été justifié par la facilité de son administration et sa validation en République Démocratique du Congo.

c) Harmonisation et standardisation des outils de travail

Afin de nous assurer d'une bonne harmonisation et standardisation dans l'utilisation des outils de travail, nous avons effectué un pilotage des outils de travail à Bunia afin de nous assurer de la faisabilité sur terrain et de la compréhension uniforme du contenu et de son sens.

Les outils de travail ont été au préalable traduits en langue locale par 2 traducteurs certifiés avec l'aide du Dr. Bagamba pour s'assurer que la terminologie est culturellement adaptée et compréhensible dans la communauté.

d) Critères diagnostiques retenus

Nous avons utilisé les critères diagnostiques tels que définis par l'Association Américaine de Psychiatrie dans le manuel statistique et diagnostique des troubles mentaux version 5 (DSM-5).

Pour répondre aux critères diagnostiques de la DSM-5 du trouble de stress post-traumatique (TSPT), les patients doivent avoir été exposés directement ou indirectement à un événement traumatique et avoir des symptômes de chacune des catégories suivantes pour une période ≥ 1 mois :

1. Intrusions (flashback, cauchemars, souvenir indésirable de l'événement)
2. Évitement de tout ce qui rappelle le traumatisme
3. Altérations négatives de la cognition et de l'humeur (dépression, anxiété, etc.)
4. Modifications de l'éveil et de la réactivité (irritabilité excessive, engourdissement etc.).

e) Collaboration avec les responsables de la communauté pour informer la communauté du soutien psychologique.

A travers l'équipe du Représentant Légal Maître Nsita qui travaille depuis plusieurs années avec la communauté, nous avons pu obtenir le soutien des responsables locaux

pour informer la communauté de l'intervention sur le soutien psychologique. Nous avons distribué des dépliants informatifs expliquant ce qu'est le TSPT.

f) Procédure de contact des victimes bénéficiaires de l'intervention

Les listes de victimes et leurs numéros de téléphone mis à jour ont été obtenus de leurs Représentants Légaux respectifs. A chaque encadreur était assigné un nombre de victimes qu'il/elle ont contacté individuellement. Sur place à Bunia, Kasenyi et à Bogoro, les encadreurs ont contacté les victimes ayant consenti à l'intervention pour un premier rendez-vous et établir un plan de suivi durant les 3 mois de l'intervention.

g) Sessions formatives des encadreurs à l'écoute empathique et accompagnement psychologique

Quatre sessions formatives ont été données aux encadreurs retenus.

La formation avait pour objectif de munir les encadreurs des compétences nécessaires à l'écoute empathique et accompagnement psychologique des victimes présentant des symptômes du TSPT.

Ces différents aspects ont été couverts lors de la formation.

1. Comment se présenter et élaborer le premier contact avec les victimes.
2. Comment conduire l'entretien et remplir le questionnaire de dépistage.
3. Comment interpréter les scores du questionnaire pour identifier les personnes présentant des symptômes du TSPT.
4. Comment faire le suivi et évaluer l'évolution des symptômes chez les victimes
5. Comment pratiquer l'écoute empathique et l'accompagnement psychologique
6. Comment identifier une amélioration or aggravation des symptômes.
7. Quand référer au Dr. Bagamba ou Dr. Kashala-Abotnes

8. Pratique entre encadreurs

h) Lancement de l'intervention

A l'issue des 4 sessions de formation, l'intervention au soutien psychologique a été lancée au début du mois de novembre 2021. Durant la séance de lancement, chaque encadreur a reçu le kit de terrain constitué des éléments suivants:

Une liste des victimes à suivre par encadreur

Un manuel de terrain avec étapes et procédures à suivre

Les questionnaires de dépistage et d'évaluation.

Interprétation des scores et attitudes à suivre.

i) Supervision des encadreurs

Chaque encadreur était directement supervisé par le Dr. Bagamba et le Dr. Kashala-Abotnes durant toute la durée de l'intervention. Nous avons organisé quelques séances de discussions et partage avec les encadreurs lors du déroulement de l'intervention pour s'assurer de son bon fonctionnement sur terrain. Les encadreurs ont aussi bénéficié de séances récapitulatives et de discussion durant le déroulement de l'intervention pour discuter des défis rencontrés sur terrain et des stratégies à adopter pour y faire face.

j) Déroulement de l'intervention et assignement des victimes aux encadreurs

L'affectation des victimes aux encadreurs a été faite sur base des desideratas des victimes. Dr. Bagamba a donc remis à chaque encadreur la liste des personnes l'ayant choisi. Les encadreurs appelaient les victimes aux numéros téléphoniques fournis par leurs Représentant Légaux.

Dès que l'habitation de la victime était identifiée, l'encadreur prenait immédiatement un rendez-vous pour le premier contact. Lors dudit contact l'encadreur expliquait à la victime le bien-fondé de l'intervention, les principes y afférents ainsi que la nécessité

de faire plusieurs rendez-vous pour celles ayant un score supérieur à 31. Lorsque la victime consentait à participer au programme d'accompagnement psychologique, un rendez-vous était pris aussitôt pour l'entretien et l'évaluation avec le questionnaire PCL-5.

Après l'administration du questionnaire, chaque encadreur faisait immédiatement la sommation et en donnait l'interprétation à l'intéressé.

En général, toutes les victimes ayant été évaluées avec un score supérieur à 31 ont accepté l'offre d'intervention. Certaines personnes bien qu'ayant un score inférieur à 31, ont demandé de pouvoir bénéficier de l'accompagnement psychologique de façon à améliorer leur bien être mental. Ceci était offert à chaque victime qui en émettait le souhait.

Au terme des 3 mois d'intervention, les victimes ont été ré-évaluée avec le questionnaire en vue d'évaluer l'impact de l'intervention sur base des scores obtenus. Une diminution des scores était considérée comme un indicateur d'amélioration de la symptomatologie du TSPT et donc une diminution de la sévérité du TSPT.

IV. RESULTATS

Victimes identifiées avec un traumatisme psychique

Sur un total de 265 victimes reprises sur la liste que nous avons reçu de leurs Représentants Légaux, nous avons pu en assigner 244 aux encadreurs à raison d'environ 10 victimes par encadreur en moyenne. De ces 244 victimes assignées aux encadreurs, 211 dont les contacts téléphoniques ont été remis aux encadreurs ont pu être joignables avec succès. Parmi elles, 6 ont été exclues car ne pouvant participer à l'intervention pour différentes raisons, à savoir numéros disponibles inactifs, personnes déplacées en Ouganda, ou dans les contrées lointaines non attribuées aux encadreurs telle que à savoir Mongwalu et un décès.

Nous nous sommes retrouvés avec 205 victimes, dont 30 ont décliné la participation. Parmi celles ayant décliné la participation, la plupart était sceptique au soutien psychologique et certaines ont affirmé avoir appris à vivre avec leur traumatisme. Pour ces victimes, le soutien psychologique ne servirait à rien car la milice qui avait commis les massacres de Bogoro détenait encore les armes et est installée à seulement 4 Km de l'agglomération des survivants.

Notre échantillon final était donc constitué de 175 victimes (85%) ayant consenti à l'intervention.

Chaque encadreur a reçu la liste et numéro de téléphone des victimes lui attribuées de façon à pouvoir les contacter individuellement et se fixer rendez-vous de commun accord pour le premier contact. A la suite du premier contact et sur base des scores obtenus, un plan de suivi était établi. Les victimes présentant des scores élevés au-delà de 31, ont bénéficié de visites plus fréquentes à raison d'une visite minimum par semaine. L'intervalle maximum entre deux visites était de deux semaines.

Nombre total de victimes ayant participé à l'intervention

Sur un total de 175 victimes, 117 ont pu être joignables avant et après l'intervention.

Cinq des victimes bien que joignables, n'ont pas pu être évaluées étant donné qu'elles se trouvaient dans des zones d'accès difficile (Ouganda et Mongwalu).

Sur les 112 victimes disponibles, nous en avons perdu 2 en cours d'intervention.

Notre échantillon final était donc constitué de 110 victimes que nous avons pu évaluer et suivre pendant toute la durée de l'intervention.

Proportion de victimes rapportant des symptômes du TSPT avant et après intervention

Pour rappel, les symptômes du TSPT étaient rapportés par les victimes lors de l'entretien et objectivés par un score > 31 à l'échelle d'évaluation.

Avant l'intervention, sur les 110 victimes évaluées, 67 (61%) présentaient des symptômes du trouble de stress posttraumatique (TSPT), objective par un score >31 à l'échelle d'évaluation. Seuls 43 (39%) avaient un score < 31 et ne présentaient pas de symptômes du TSPT.

Après l'intervention, sur les 110 personnes ayant bénéficié de l'accompagnement psychologique, 87 (79%) ont présenté une amélioration significative avec une baisse significative des scores en dessous du score limite de 31 dénotant ainsi d'une amélioration des symptômes.

Neuf des victimes (0.08%) ont vu leurs scores augmenter au-dessus du score limite de 31, signifiant une aggravation des symptômes.

Il est à noter que les scores de 14 victimes (12,7%) n'ont pas pu être récoltés auprès des enquêteurs après l'intervention. Il est ainsi difficile de dire si ces personnes ont présenté une amélioration ou pas de leurs symptômes.

Reduction des symptômes du TSPT et amélioration des scores après l'intervention

Nous avons constaté une baisse considérable de victimes rapportant des symptômes du TSPT après l'intervention. En effet, 44 victimes sur les 110 ont rapporté des scores en dessous du seuil limite de 31, dénotant ainsi une amélioration de la symptomatologie chez environ 40% de victimes après 3 mois d'intervention. Ce pourcentage pourrait toutefois être plus élevé (45,8%) si nous tenons compte des 14 victimes pour lesquelles nous n'avons pas obtenu les scores après intervention.

Nous observons en effet une augmentation du nombre de victimes ne rapportant plus des symptômes du TSPT qui est passé de 39% avant l'intervention à 79% après l'intervention.

Nous constatons effectivement qu'après 3 mois d'intervention, plus de 75% des personnes ayant bénéficié de l'intervention ne rapportant plus de symptômes du TSPT dénotant une nette amélioration de la symptomatologie du TSPT.

Retour des victimes par rapport à l'intervention

Après les 3 mois de suivi, chaque victime qui y consentait, avait l'opportunité de faire un retour sur les avantages et inconvénients de l'intervention. La majorité d'entre elles ont rapporté avoir positivement bénéficié de l'intervention et ont exprimé leur souhait de voir étendre cette intervention aux contrées environnantes aussi affectées par le TSPT.

La psychoéducation a été rapportée par la majorité comme étant très bénéfique car elle a fourni des informations et un soutien pour mieux comprendre les symptômes et y faire face. Une des victimes nous a dit : *« je comprend mieux ce qui m'arrive et j'ai moins peur maintenant que je sais de quoi il s'agit »*. Une autre nous a dit : *« Je sais maintenant que je peux utiliser différentes stratégies d'adaptation comme la musique, la prière et l'activité physique pour réduire mon anxiété »*.

Comme inconvénient, plusieurs victimes ont rapporté que la reprise de l'insécurité sur la colline LIRI qui surplombe Bogoro au mois de novembre 2022 a affecté l'amélioration de leur symptomatologie. Elles rapportent que les résultats auraient été de loin meilleurs, nul n'était la reprise d'insécurité. En effet, à cette époque beaucoup d'encadreurs se réjouissaient des résultats obtenus. Les victimes les remerciaient de les avoir aidés. Pour beaucoup les rêves cauchemardesques, les palpitations, la peur de l'inconnu et l'insomnie commençaient à disparaître. Aussitôt que l'insécurité est revenue dans la contrée, la peur a repris, le désespoir s'est réinstallé et les symptômes qui avaient disparu ont commencé à réapparaître.

Les victimes étaient très reconnaissantes et ont manifesté leur souhait de pouvoir continuer avec l'intervention.

Retour des encadreurs par rapport à l'intervention

Les encadreurs ont rapporté être satisfaits des résultats observés et aimeraient bien continuer de procurer le soutien aux victimes. Ils considèrent l'intervention comme efficiente et efficace, nécessitant peu de ressource et culturellement acceptable.

Beaucoup l'ont trouvé facile à implémenter et sont convaincus que les résultats seront meilleurs à long terme avec une intervention à plus longue échelle.

En général les encadreurs sont satisfaits du renforcement des capacités, de leur prestation, et des résultats obtenus avec des moyens simples, culturellement appropriés, accessibles et acceptables.

Les encadreurs ont aussi exprimé leur souhait d'étendre la formation à plus grande échelle pour pouvoir aider la communauté.

Défis d'implémentation rencontrés sur terrain

Les encadreurs ont rapporté avoir été confronté à trois types des défis non inhérents à l'intervention:

Primo, la situation sécuritaire aggravée affectant l'effet positif de l'intervention par la réapparition des symptômes chez certains bénéficiaires, qui présentaient aussi des problèmes médicaux et exigeaient des encadreurs une prise en charge médicale.

Secundo, l'incompréhension de certains bénéficiaires qui prétendaient n'avoir pas encore bénéficié des réparations matérielles leur dues par le Fonds. Certaines victimes exigeaient des encadreurs des informations relatives aux réparations matérielles, estimant que les encadreurs avaient l'information. Toute réponse négative de la part des encadreurs à ce sujet, suscitait de la méfiance de la part des victimes qui doutaient de la sincérité des encadreurs.

Tertio, les encadreurs ont fait face à un certain nombre de difficultés logistiques liées à la situation socioéconomique difficile. Un grand nombre de victimes ne respectaient pas les rendez-vous fixés parce qu'elles devaient subvenir à d'autres besoins primordiaux, tels que trouver de quoi subvenir aux besoins quotidiens de leur familles. Elles n'avaient ainsi pas toujours le temps de venir aux rendez-vous car elles devaient chercher de quoi subvenir à leurs besoins quotidiens.

Résumé de l'échantillonnage et répartition des victimes

Le tableau et la figure ci-dessous représentent de façon résumée l'échantillonnage et la répartition des victimes par encadreurs, ainsi que les différents scores au temps 1 avant l'intervention et au temps 2 après l'intervention.

En résumé, toutes les victimes identifiées comme bénéficiaires de l'intervention n'ont pas toutes participé pour différentes raisons reprises dans le tableau ci-dessous. Une des raisons majeures est la perte de vue et le refus de participation.

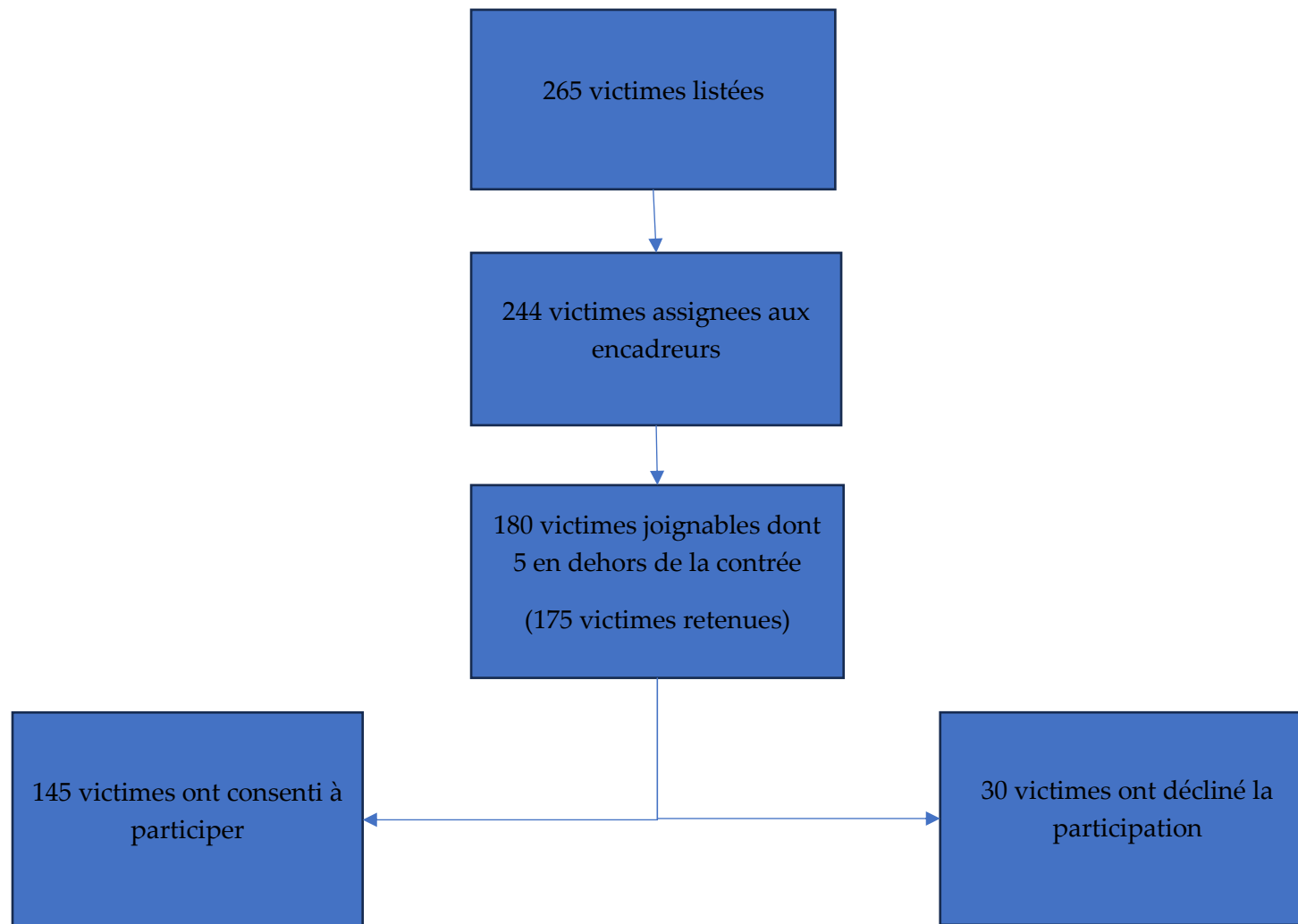


Figure 1. Représentation de la répartition des victimes

Tableau représentatif de la distribution des victimes par encadreur

Encadr eurs	Victim es Affecté es Par encadr eurs	Victim es Contac tées	Victim es Non joignab les	Victim es ayant décliné	Victim es En zone Inaccés sibles	Décès	Scores < 31 Temps 1	Scores > 31 Temps 1	Victim es Avec amélio ration	Victim es avec Aggra vation	Scores < 31 Temps 2	Scores > 31 Temps 2	Scores non récolté s
1.	17	15	2				12	2	9	1	9	0	5
2.	16	7	8	0			3	4	4	3	0	7	0
3.	15	12	3	2	1				8	0			0
4.	17	13	4	0			3	10	13	0	8	5	0
5.	21	9	9	2			5	4	6	2	6	3	0

6.	16	12	4	2			1	11	7		12	0	5
7.	15	12	1										
8.	16	9	6	2			6	3	3	0	1	2	0
9.	13	4		5	4	1	1	2	2	0	3		1
10.	19	9	8	2			6	3	8	0	0	9	1
11.	16	15	0	1			4	10	13	3	4	10	0
12.	16	22	2										
13.	12	10	2	3			0	5	5	0	3	2	0
14.	23	16	7	5			2	9	6	0	5	4	3
15.	12	10	2	6			0	4	3	0	1	2	1
Total	244	175	58	30	5	2	43	67	87	9	52	44	16

Observation psychiatrique et symptomatologie rapportée.

Les victimes évaluées présentaient toutes des symptômes de TSPT qui se sont améliorés avec l'intervention.

Le traumatisme psychique rapporté se manifestait essentiellement sous forme de cauchemars, forte anxiété, évitement du lieu rappelant le traumatisme, irritabilité et dysfonction sociale.

La symptomatologie rapportée par les victimes évaluées répondait aux critères diagnostiques du TSPT, à savoir :

- Critère 1: la confrontation à un événement traumatique, le cas échéant l'exposition à l'attaque du 24 février 2003 au cours de laquelle, leur intégrité physique et leur vie ont été menacées de mort, et leur réaction à l'événement s'est traduite par un sentiment d'horreur, peur intense et impuissance.
- Critère 2: La présence de symptômes d'intrusion souvent rapportés sous forme de cauchemars, reviviscences des faits, flashbacks, hallucinations, sentiment intense de détresse, et de réactivité physiologique (vertiges, syncopes, palpitations, nausées, douleurs épigastrique...) lors de l'exposition à des indices évoquant le traumatisme (le lieu de l'attaque, le Mont Waka, l'école, la rivière, les personnes de la même tribu que les assaillants...).
- Critère 3: La présence de symptômes d'évitement et d'émoussement fait essentiellement d'efforts pour éviter tout ce qui rappelle le traumatisme vécu (pensées, conversations, endroits, personnes), d'un sentiment de détachement d'autrui et d'une restriction des affects.
- Critère 4: La présence de symptômes d'hyperéveil dénotant une activation neurovégétative. La plupart des personnes évaluées ont rapporté avoir le sommeil interrompu aux environs de 4 heures du matin, avoir des difficultés

d'endormissement, de concentration, une hypervigilance et des réactions de sursaut exagérée.

- Critère 5 : ces symptômes sont présents depuis plus d'un mois. Le cas échéant, il s'agit d'un traumatisme chronique étant donné que le traumatisme déclenchant est permanent dans la contrée.
- Critère 6 : La perturbation entraîne une souffrance cliniquement significative et une altération du bon fonctionnement de la vie quotidienne des victimes.

Examen clinique des victimes

Au-delà des différentes manifestations du traumatisme psychique, nous avons identifié certaines victimes présentant une symptomatologie assez avancée ayant nécessité un suivi médical. Ces victimes ont directement été évaluées par le Dr. Kashala-Abotnes qui a prescrit les médicaments appropriés et renvoyé pour la continuité des soins.

Ceci illustre la présence non seulement de problèmes à caractère psychique au sein de la communauté mais aussi la présence de problèmes à caractère médicaux pouvant facilement passer inaperçue.

Il serait donc souhaitable pour une meilleure prise en charge de faire un dépistage à grande échelle au niveau communautaire afin d'identifier les sujets à risque vivant à Bogoro. Nous pensons qu'un bon nombre de personnes au sein de cette communauté nécessite une prise en charge afin de promouvoir le bien-être et la santé mentale de la communauté. La santé est en effet, un état de complet bien-être physique, mental et social, et ne consiste pas seulement en une absence de maladie ou d'infirmité ¹.

¹ Actes officiels de l'Organisation mondiale de la Santé, n°. 2, p. 100, (1948).

Facteurs prédisposants, déclenchants et précipitants du Trouble de Stress Posttraumatique

Nous avons identifié une série de facteurs aggravant le TSPT au niveau de la communauté. Ces facteurs ont été divisé en 3 catégories à savoir :

a. Facteurs prédisposants

Ce sont des facteurs qui rendent la personne vulnérable et susceptible au TSPT. Nous avons essentiellement identifié l'environnement conflictuel et l'instabilité. En effet, les personnes rapportent des rumeurs fréquentes d'attaque qui les laissent en état d'alerte et de peur constante, les rendant plus vulnérables au trouble et entravant leur rémission. Un grand nombre des bénéficiaires ont fait savoir aux encadreurs qu'elles souhaitent que la Cour Pénale Internationale (CPI) intervienne pour assurer la sécurité de la communauté en vue de permettre aux victimes de bénéficier durablement du processus de guérison.

b. Facteurs précipitants ou déclenchants

Il s'agit de facteurs qui déclenchent ou précipitent le TSPT. Nous avons identifié comme stress majeur la situation conflictuelle et sécuritaire. Les victimes rapportent une situation de stress constante qui perdure depuis longtemps et qui affecte leur bien-être complet tant du point de vue physique que mental.

c. Facteurs d'entretien ou perpétuant

Ce sont des facteurs qui maintiennent et entretiennent le TSPT. Les victimes rapportent toutes vivre dans un environnement anxieux, d'insécurité, d'interrogation, de peur, d'incapacité, de méconnaissance par rapport au futur. Elles rapportent vivre dans une peur constante due aux rumeurs d'attaque qui peuvent survenir à n'importe quel moment. Les symptômes du TSPT sont ainsi entretenus et la rémission entravée par une insécurité rapportée et vécu au quotidien.

Pronostic positif

Les résultats positifs de l'intervention plaident en faveur d'un pronostic favorable et nous montre qu'il est possible d'améliorer la santé mentale des victimes en utilisant des ressources locales disponibles par le renforcement des capacités.

Les symptômes du TSPT sont présents dans la communauté, mais il est évident qu'il est possible de les prendre en charge et améliorer le bien être et la qualité de vie des populations par des moyens de prise en charge et promotion à la portée de la communauté.

V. CONCLUSIONS ET RECOMMANDATIONS

Conclusion

Notre intervention basée essentiellement sur la psychoéducation et les principes du soutien psychologique par l'écoute empathique et l'accompagnement psychologique pour la prise en charge du TSPT a produit des effets positifs. Cette intervention a utilisé les ressources disponibles et recouru au renforcement des capacités locales pour la prise en charge du TSPT. C'est une intervention efficace, peu coûteuse et socialement acceptable.

L'implémentation de cette intervention de prise en charge du TSPT dans le cadre de la réparation au profit des victimes dans l'affaire Katanga nous a permis de réduire considérablement les symptômes du TSPT, d'améliorer le bien-être et la santé mental des personnes affectées.

Nous pouvons conclure que l'intervention a atteint ses objectifs assignés, à savoir:

1. Une réduction considérable des symptômes du TSPT rapportés par les victimes après 3 mois d'intervention et objectivé par une augmentation de la proportion de victimes ayant un score inférieur à 31.

2. Nous avons pu offrir un soutien psychologique à la satisfaction des victimes et des encadreurs en utilisant une intervention simple et culturellement acceptable pour assurer le bien-être physique et psychologiques des victimes.
3. Nous contribuons à la réinsertion sociale, à l'amélioration de la santé mentale et qualité de vie des victimes, et par leur biais le bien-être communautaire.
4. La mise en œuvre de cette intervention nous a permis de renforcer les capacités locales en formant des encadreurs habilités à la prise en charge des personnes avec symptômes du TSPT.
5. Nous avons contribué à promouvoir l'auto-gestion des troubles psychologiques dans un contexte de pénurie de personnels qualifié en santé mentale par le renforcement des capacités locales.
6. Nous avons formé des encadreurs qui sont à mesure de continuer le suivi des victimes après la phase d'implémentation de l'intervention.

En conclusion, nous pouvons affirmer que la mise en œuvre de notre intervention au soutien psychologique a été une réussite combinant une planification rigoureuse, l'expertise clinique, et la collaboration active entre les encadreurs et les victimes. L'intervention a pu évaluer les besoins des victimes, adopter une approche adaptée et fondée sur des données probantes, ainsi qu'une communication ouverte et empathique. Le succès de l'intervention s'est manifesté par des progrès mesurables, une amélioration du bien-être des victimes, et le renforcement de leur capacité à gérer leurs défis et symptômes de manière autonome avec le soutien des encadreurs formés et supervisés par l'équipe de l'experte (Drs Kashala-Abotnes et Bagamba).

Cette intervention psychologique a été bien menée car elle ne se limite pas seulement à la résolution de la problématique actuelle, mais elle contribue également à bâtir une résilience durable et à promouvoir un épanouissement à long terme par une amélioration du bien-être psychique et physique des populations affectées par le TSPT.

Recommandations

Au vu du nombre important de victimes présentant le TSPT et des effets bénéfiques de l'intervention, nous formulons les recommandations suivantes :

A court terme :

- 1) La continuation du suivi des victimes par les encadreurs formés.
- 2) Former davantage des encadreurs qui pourront assurer la prise en charge des symptômes du TSPT au moyen de l'accompagnement psychologique et l'écoute empathique.

Cette approche est pragmatique, peu coûteuse, efficace et localement acceptable dans ce contexte limité en ressources humaines et matérielles.

La justification du choix de cette thérapie de soutien psychologique se base sur le fait qu'il s'agit d'une thérapie d'accompagnement par le soutien moral et l'écoute empathique qui peut être facilement apprise à bas coût. Cette thérapie permet à la communauté de s'autogérer et permet à de nombreuses personnes affectées d'échanger avec d'autres personnes de la communauté et de se sentir accompagnées, écoutées et soutenues. Chaque victime en racontant son histoire et en se sentant écouté, se sentira plus à l'aise pour parler de son traumatisme, manager les symptômes, retrouver la confiance en soi et améliorer sa santé et bien-être mental.

A travers la thérapie de soutien et écoute empathique, chaque personne affectée apprendra à composer avec ses émotions telles que la honte, la culpabilité, la colère, la rage et la peur, à se concentrer sur le présent et à ne pas rester accablée par le passé.

Les avantages de cette intervention sont les suivants :

Elle est facilement acceptable par la communauté, car les encadreurs sont issus de la communauté et non des étrangers. Ils ont été formés à la prise en charge des symptômes du TSPT sans pour autant avoir une formation préalable en santé mentale.

Cette approche interventionnelle est peu coûteuse car la formation est possible en quelques semaines, et ne nécessite pas des coûts exorbitants. Elle est économique avec un bon rapport coût-efficacité.

Elle ne nécessite pas la présence permanente de psychologues ou psychiatres pour son administration, bien qu'une supervision soit nécessaire. Celle-ci peut être assurée à distance.

Elle produit des bénéfices observables et durables.

A long terme :

3) La création d'un centre éducatif communautaire

Ce centre éducatif se chargera de former la communauté sur ce qu'est le traumatisme psychique et ses conséquences sur le bien-être globale tant du point de vue physique (santé physique) que psychique (santé mentale) de façon à lutter contre l'ignorance et la stigmatisation.

Le centre de formation contribuera au renforcement des capacités en matière de détection et de prise en charge du TSPT en particulier, mais aussi des problèmes de santé mentale en général. La formation communautaire visera à réduire la stigmatisation associée à l'ignorance.

Je certifie sur mon honneur que ce travail a été réalisé en âme et conscience, sans aucune prise de position politique, sociale ou religieuse, et ne peut être utilisé et interprété que dans son contexte clinique et scientifique.

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