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**28 October 2022**

**TRIAL CHAMBER II**

**Before:**                    **Judge Chang-ho Chung, Presiding**  
                                  **Judge Péter Kovács**  
                                  **Judge María del Socorro Flores Liera**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO  
IN THE CASE OF**

***THE PROSECUTOR v. GERMAIN KATANGA***

**Public Redacted Version of**

**“Tenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust  
Fund for Victims”, dated on 19 October 2022, ICC-01/04-01/07-3907-Conf**

**Source:**                    **Trust Fund for Victims**

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**

**Legal Representative of Victims**

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Ms Franziska Eckelmans

**States Representatives**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Victims Participation and Reparations**

**Section**

Mr Philipp Ambach

## I. BACKGROUND

1. Pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (“Trust Fund”), and in accordance with Trial Chamber II’s (“Trial Chamber”) order instructing the Trust Fund to submit reports starting with a first report on 17 July 2020,<sup>1</sup> the Trust Fund hereby provides the Trial Chamber with its Tenth quarterly update report concerning the progress in the implementation of the three remaining collective reparation awards ordered in the case of *The Prosecutor v. Germain Katanga*, namely: (i) housing assistance; (ii) income-generating activities (“IGAs”); and (iii) psychological support.<sup>2</sup>

## II. CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential as it contains sensitive information related to the ongoing implementation of reparations. A public redacted version of the report will be filed shortly.

## III. RELEVANT PROCEDURAL HISTORY

3. The Trust Fund recalls the procedural history set out in the update reports on the implementation of collective reparation awards, submitted on 28 February 2019,<sup>3</sup> 26 July 2019,<sup>4</sup>

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<sup>1</sup> *Ordonnance enjoignant au Fonds au profit des victimes de déposer des rapports trimestriels sur l’exécution des réparations et au représentant légal des victimes de déposer des observations à des fins de clarification de ses écritures des 6 et 13 mars 2020*, 3 July 2020, [ICC-01/04-01/07-3855](#).

<sup>2</sup> See Order for Reparations pursuant to Article 75 of the Statute With one public annex (Annex I) and one confidential annex *ex parte*, Common Legal Representative of the Victims, Office of Public Counsel for Victims and Defence team for Germain Katanga (Annex II), 24 March 2017, [ICC-01/04-01/07-3728-tENG](#) (“Order for Reparations”), para. 304. See also paras 302-303.

<sup>3</sup> Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 28 February 2019, [ICC-01/04-01/07-3826](#).

<sup>4</sup> Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, with Confidential, *ex parte* Annexes A and B, available only to the Trust Fund for Victims, 26 July 2019, [ICC-01/04-01/07-3836-Conf](#).

18 November 2019,<sup>5</sup> 17 July 2020,<sup>6</sup> 18 September 2020,<sup>7</sup> 19 October 2020,<sup>8</sup> 19 January 2021<sup>9</sup> and 19 April 2021,<sup>10</sup> where it described the progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber,<sup>11</sup> and where it requested the Trial Chamber's approval of the implementation of reparations in relation to cattle, small IGAs, and first trimester education assistance,<sup>12</sup> of a proposed alternative method of implementation for the purchase of fish,<sup>13</sup> of the implementation of reparations in relation to motorcycles, fuel and various products,<sup>14</sup> of a proposed alternative method of implementation of the housing assistance modality<sup>15</sup> and of an implementation proposal related to the psychological support modality.<sup>16</sup>

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<sup>5</sup> Update report on the implementation of the income generating activities modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of one proposed alternative implementation modality, 18 November 2019, [ICC-01/04-01/07-3843](#).

<sup>6</sup> Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposals related to the income-generating activities modality, 17 July 2020, [ICC-01/04-01/07-3857-Conf](#).

<sup>7</sup> Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and in accordance with the *Ordonnance relative à la requête du Représentant légal du 17 juillet 2020 et concernant les modalités de réparations collectives restantes dans cette affaire* (ICC-01/04-01/07-3860-Conf), 18 September 2020, [ICC-01/04-01/07-3861-Conf](#).

<sup>8</sup> Second quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposal related to the housing assistance modality, 19 October 2020, [ICC-01/04-01/07-3865-Conf](#).

<sup>9</sup> Third quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposal related to the psychological support modality with Confidential Annex A, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#). (“Third quarterly update report, 19 January 2021”).

<sup>10</sup> Fourth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 April 2021, [ICC-01/04-01/07-3878-Conf](#).

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

<sup>12</sup> Update report on the implementation of the collective reparations awards and Request for approval of implementation proposals pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with Confidential, *ex parte* Annexes A and B, available only to the Trust Fund for Victims, 26 July 2019, [ICC-01/04-01/07-3836-Conf](#), paras 45-46.

<sup>13</sup> Update report on the implementation of the income generating activities modality of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of one proposed alternative implementation modality, 18 November 2019, [ICC-01/04-01/07-3843](#), paras 29-33.

<sup>14</sup> Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposals related to the income-generating activities modality, 17 July 2020, [ICC-01/04-01/07-3857-Conf](#), paras 59, 67 and 76.

<sup>15</sup> Second quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposal related to the housing assistance modality, 19 October 2020, [ICC-01/04-01/07-3865-Conf](#), para. 48.

<sup>16</sup> Third quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and Request for approval of implementation proposal related to the psychological support modality with Confidential Annex A, 19 January 2021, [ICC-01/04-01/07-3870-Conf](#), para. 48.

4. On 30 April 2021, the Trust Fund and the legal representative of victims (“LRV”) jointly submitted an implementation plan for the housing assistance modality (“Joint Submission”) to the Trial Chamber for its approval.<sup>17</sup>

5. On 5 May 2021, the Trial Chamber issued a decision (“Decision of 5 May 2021”),<sup>18</sup> in which it, *inter alia*: (i) approved the implementation of the alternative housing modality as requested in the Housing Assistance Request and detailed in the Joint Submission; (ii) directed the Trust Fund to accommodate all victims’ requests to switch to another reparations modality as well as prioritise the reparations of the victim in need of cash assistance for medicine and subsistence due to her advanced age and health conditions; and (iii) ordered the parties, the Registry, and the Trust Fund to review the underlying filings to its Decision and all their previous submissions in the case record of the reparation proceedings and either file public redacted versions, request the reclassification as public, or justify the need to maintain the classification of filings and annexes classified as confidential or confidential *ex parte*, by 7 June 2021, at the latest.

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

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

8. The Trust Fund issued its latest quarterly update report on the implementation of collective reparation awards on 19 July 2022.<sup>24</sup>

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

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

<sup>19</sup> Fifth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 July 2021, [ICC-01/04-01/07-3885-Conf](#) (“Fifth quarterly update report, 19 July 2021”), para. 17.

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

<sup>21</sup> Sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims with Confidential, *ex parte* Annex A, available only to the Trust Fund for Victims, 19 October 2021, [ICC-01/04-01/07-3888-Conf](#).

<sup>22</sup> Seventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 January 2022, [ICC-01/04-01/07-3893-Conf](#) (“Seventh quarterly update report, 19 January 2022”).

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

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

9. On 2 August 2022, the LRV submitted his observations on the Ninth quarterly update report.<sup>25</sup>

#### IV. REGULATION 58 UPDATE REPORT

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

##### A. Security Situation

11. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. On 17 October 2022, the DRC Government authorised the extension of the state of siege in the provinces of Ituri and North-Kivu. Armed groups continue to carry out deadly attacks against the Armed Forces of the DRC ("FARDC") and the civilian population. They are also engaged in fierce battles with each other, including over control of the mining areas around Mongbwalu, amongst others. Their attacks against the civilian population continue to take place on a regular basis. Sources have reported that forty persons including seventeen children have been killed and more than four hundred houses have been put on fire during an attack on 9 September 2022 attributed to the *Coopérative pour le développement du Congo* (CODECO) in the village of Mbidjo, Djugu, Ituri.<sup>26</sup> More recently, sources have also reported another attack on 8 October 2022 attributed to Allied Democratic Forces (ADF) rebels which resulted in fourteen civilians being killed.<sup>27</sup>

##### B. Public Health Situation

12. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable. The Country Office does not report any significant resurgence of new cases. On 14 February 2022, the Government of the DRC has relaxed measures concerning COVID-19 in terms of the previously established curfew. Travellers from outside of the DRC are no longer required to get tested before entering the territory, provided

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<sup>25</sup> *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes intitulé « Ninth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims »* (ICC-01/04-01/07-3905-Conf), 2 August 2022, [ICC-01/04-01/07-3906-Conf](#).

<sup>26</sup> "Ituri : 40 personnes tuées et 400 maisons incendiées lors d'une attaque de la CODECO au village de Mbidjo", *Radio Okapi*, MONUSCO, accessible at <https://www.radiookapi.net/2022/09/12/actualite/securite/ituri-40-personnes-tuees-et-400-maisons-incendiees-lors-dune-attaque/>

<sup>27</sup> "DRC: 14 civilians killed in attack attributed to ADF rebels", *Africa News*, accessible at <https://www.africanews.com/2022/10/03/drc-14-civilians-killed-in-attack-attributed-to-adf-rebels/>

they are fully vaccinated. Although there are no new preventive measures taken by the Congolese Government, other measures previously established by the Government, the UN and the Registry's Occupational Health Unit are still in force and are respected by the TFV during all implementation activities.

### C. Income-Generating Activities

13. As reported in the Seventh,<sup>28</sup> Eighth<sup>29</sup> and Ninth quarterly update reports,<sup>30</sup> the purchase procedure for motorcycles for one remaining beneficiary needed to start anew. As a result, because of the time elapsed in the meantime, the Trust Fund recently contacted the relevant supplier once again to confirm whether the brand and models requested by the beneficiary are available and is awaiting his response. Afterwards, the Trust Fund expects to be able to order the motorcycles selected by the beneficiary through a new Purchase Order and eventually provide them to the beneficiary after contacting the LRV in this respect.<sup>31</sup> In addition to this, upon having inquired with the LRV regarding his client's choices,<sup>32</sup> the Trust Fund also provided the same beneficiary on 17 October 2022 with fuel for a total value of USD 450.

14. As to the beneficiary who had opted for income-generating activities instead of the payment of school fees,<sup>33</sup> after having received information concerning his preferences in this regard from the LRV,<sup>34</sup> the Trust Fund provided this beneficiary on 17 October 2022 with products of his choice for a total value of USD 395.

15. Moreover, pursuant to the Trial Chamber's decision on the application for resumption of action brought by a family member of a victim<sup>35</sup> who later on, following the Trust Fund's query,<sup>36</sup> expressed the wish to benefit from an income-generating activity,<sup>37</sup> upon having received

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<sup>28</sup> Seventh quarterly update report, 19 January 2022, para. 9.

<sup>29</sup> Eighth quarterly update report, 19 April 2022, para. 13.

<sup>30</sup> Ninth quarterly update report, 19 July 2022, para. 14.

<sup>31</sup> Email sent by the Trust Fund to the LRV on 18 October 2022 at 6.01 pm.

<sup>32</sup> Emails sent by the Trust Fund to the LRV on 16 May 2022 at 6.01 pm and on 12 October 2022 at 12.26 pm.

<sup>33</sup> See Eighth quarterly update report, 19 April 2022, para. 13.

<sup>34</sup> Email sent by the Trust Fund to the LRV on 12 October 2022 at 12.26 pm and email sent by the LRV to the Trust Fund on 13 October 2022 at 5.32 pm.

<sup>35</sup> Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0273/09, 8 February 2022, [ICC-01/04-01/07-3896](#), para. 9.

<sup>36</sup> Email sent by the Trust Fund on 16 May 2022 at 6.01 pm.

<sup>37</sup> Email sent by the LRV to the Trust Fund on 1 July 2022 at 2.04 pm.

information regarding their preferences in this regard from the LRV,<sup>38</sup> the Trust Fund provided the said beneficiary on 17 October 2022 with products of their choice for a total value of USD 4,050.

16. Finally, concerning a beneficiary who has recently indicated their wish to receive products of their choice instead of benefitting from the housing support modality,<sup>39</sup> upon having received information regarding their preferences from the LRV,<sup>40</sup> the Trust Fund provided the said beneficiary on 18 October 2022 with products of their choice for a total value of USD 2,250.

17. As of the date of the present report, only the beneficiary referred to above in paragraph 13 is yet to receive motorcycles as part of the implementation of this modality.

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

18. [REDACTED].

19. [REDACTED].

20. [REDACTED].

21. [REDACTED].

22. [REDACTED].

23. [REDACTED].

24. [REDACTED].

25. [REDACTED].

26. [REDACTED].

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

27. As reported in the Ninth quarterly update report,<sup>41</sup> following the training on the management of post-traumatic stress disorder given by the lead psychologist assisted by the locally based psychologist recruited by the Trust Fund with the recruited locally based resource persons in

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<sup>38</sup> Emails sent by the Trust Fund to the LRV on 16 May 2022 at 6.01 pm and on 12 October 2022 at 12.26 pm and email sent by the LRV to the Trust Fund on 13 October 2022 at 5.32 pm.

<sup>39</sup> Email sent by the LRV to the Trust Fund on 1 July 2022 at 2.04 pm.

<sup>40</sup> Email sent by the LRV to the Trust Fund on 1 July 2022 at 2.04 pm, emails sent by the Trust Fund to the LRV on 1 July at 5.47 pm and on 12 October 2022 at 12.26 pm and email sent by the LRV to the Trust Fund on 13 October 2022 at 5.32 pm.

<sup>41</sup> See also Ninth quarterly update report, 19 July 2022, para. 27.



charge of providing counselling sessions and the communication by the Trust Fund of their final list with both Legal Representatives, the LRV's clients participated in a series of meetings organised as part of the LRV and TFV's joint mission [REDACTED]. Furthermore, in order to ensure the sustainability and long-lasting effect of the implementation of the psychological support modality,<sup>42</sup> as designed by the Trust Fund in Annex A to its 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<sup>43</sup> as well as envisaged in its Draft Implementation Plan of 25 July 2017,<sup>44</sup> the Trust Fund reiterates that it will continue to closely monitor the implementation of this modality as much as needed by working closely with the lead psychologist as well as with the locally based psychologist recruited by the Trust Fund who will be supervising and assisting the local psychological support counsellors for a period of several months.<sup>45</sup>

28. The Trust Fund also appreciates the [REDACTED] importance of ongoing monitoring<sup>46</sup> on the success of the implementation of this modality and reiterates its commitment to this end as much as will be needed during the next months in order to achieve victims' satisfaction and to fulfil the lasting effect of the implementation of this modality in conformity with its undertaking in this respect<sup>47</sup> and with the Trial Chamber's determination for the need that modalities of collective reparations such as psychological support to be "commensurate to the harm suffered by each of the victims."<sup>48</sup>

29. The Trust Fund would also like to reaffirm its appreciation for the LRV's strong support in this process, including through his and the TFV's joint mission [REDACTED],<sup>49</sup> which has, as also indicated in the Ninth quarterly update report, extensively contributed to the success of this modality.

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<sup>42</sup> Eighth quarterly update report, 19 April 2022, para. 25.

<sup>43</sup> Annex A to the Third quarterly update report, 19 January 2021, pp 6 and 12.

<sup>44</sup> Draft implementation plan relevant to Trial Chamber II's order for reparations of 24 March 2017 (ICC-01/04-01/07-3728) ("Draft Implementation Plan"), ICC-01/04-01/07-3751-Conf, para. 121; *see also* Third quarterly update report, 19 January 2021, para. 29.

<sup>45</sup> Eighth quarterly update report, 19 April 2022, para. 25; Ninth quarterly update report, 19 July 2022, para. 28.

<sup>46</sup> [REDACTED].

<sup>47</sup> Ninth quarterly update report, 19 July 2022, para. 29.

<sup>48</sup> *See* [Order for Reparations](#), paras 304-305.

<sup>49</sup> Ninth quarterly update report, 19 July 2022, paras 11 and 29.

30. The Trust Fund also wishes to report that, upon its request, it obtained from both Legal Representatives updated contact details of the clients they are representing in order for them to benefit from the psychological support modality. The Trust Fund is still waiting to receive the updated contact details of a small number of beneficiaries whom their Legal Representative has not been able to contact yet.<sup>50</sup>

31. Finally, the Trust Fund renews its commitment to continue informing the Chamber about the outcomes and the potential challenges encountered as part of this modality upon receiving reports from the lead psychologist and from the locally based psychologist in this respect.<sup>51</sup>

## **F. Evaluation**

32. As indicated in the Ninth quarterly update report,<sup>52</sup> the evaluation activity conducted by an external party contracted by the Trust Fund at the end of 2021 is ongoing. Interviews with relevant stakeholders who played a role in the design and implementation of the *Katanga* reparations awards have started and will continue over the next weeks. The contracted party will subsequently conduct, as a next step, interviews with reparations' beneficiaries.

33. In accordance with its previous commitment in this respect, the Trust Fund reiterates that it will report to the Chamber on the evaluation's findings in due course and will, in any event, continue informing the Chamber on an ongoing basis of the progress made in that regard.<sup>53</sup>

## **FOR THE FOREGOING REASONS**

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




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Franziska Eckelmans  
Acting Executive Director of the Trust Fund for Victims

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<sup>50</sup> Email sent by the Legal Representative of Victims of the Office of Public Counsel for Victims to the Trust Fund on 2 September 2022 at 3.18 pm.

<sup>51</sup> Ninth quarterly update report, 19 July 2022, para. 31.

<sup>52</sup> Ninth quarterly update report, 19 July 2022, para. 32.

<sup>53</sup> Ninth quarterly update report, 19 July 2022, para. 32.

Dated this 28<sup>th</sup> of October 2022  
(Date of original 19 October 2022)  
At The Hague, The Netherlands