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**International
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TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Confidential

**Update report on the implementation of collective reparations awards pursuant to
regulation 58 of the Regulations of the Trust Fund for Victims**

Source: The Trust Fund for Victims

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

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**Victims Participation and Reparations
Section**

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1. Pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and in accordance with the instructions given by Trial Chamber II (“Trial Chamber”) in its order issued on 7 February 2019 (“Order of 7 February 2019”)¹, the Trust Fund for Victims (“Trust Fund”), hereby provides an update report on progress in the implementation of the collective reparations ordered in the case of *The Prosecutor v. Germain Katanga*, namely to report to the Trial Chamber on developments since the last update report, as well as on upcoming activities.

I. 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 in line with the classification given by the Trial Chamber to the orders and decisions upon which the present report is based.

II. RELEVANT PROCEDURAL HISTORY

3. On 24 March 2017, the Trial Chamber issued an order for reparations against Mr Germain Katanga, awarding USD 1 million for individual and collective reparations to 297 victims of the case (“Reparations Order”).² The individual reparations consist of an award of symbolic compensation in the amount of USD 250 for each victim. The modalities of the collective reparations awarded were: (i) housing assistance; (ii) educational assistance; (iii) income generating activities; and (iv) psychological support.³

4. On 25 July 2017, the Trust Fund submitted its draft implementation plan.⁴

5. Beginning on 29 January 2018, the Trust Fund conducted a six-week joint mission with one of the legal representatives of victims in the case (“LRV”) to specify the concrete collective reparations choices of each victim he represents and, from 28 to 31 August 2018,⁵ a joint mission

¹ *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.

² Reparations Order, [ICC-01/04-01/07-3728](#).

³ [Reparations Order](#), para. 304. *See also* paras 302-303.

⁴ Draft implementation plan relevant to Trial Chamber II's order for reparations of 24 March 2017 (ICC-01/04-01/07-3728) With one confidential annex, one public annex and three confidential, *ex parte* annexes, 25 July 2017, ICC-01/04-01/07-3751-Conf.

⁵ 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-Conf, paras 19-20 (“2 October Submission”).

was conducted with the second legal representative of victims (“OPCV LRV”, jointly with the LRV referred to as “LRVs”) in relation to the choices of the victims that she represents.

6. On 6 December 2018, the Trust Fund submitted an update report on the implementation of the first phase of the education assistance modality (“6 December 2018 Update Report”).⁶

7. On the same day, the Court’s Joint Threat Assessment Group (“JTAG”)⁷ issued recommendations concerning the security situation in the Democratic Republic of the Congo (“DRC”) related to the then upcoming election, specifically that, from 15 December 2018 to 14 January 2019, all non-essential missions to Bunia were to be suspended. Essential missions were to be approved separately by the Head of Organ following a separate security assessment.

8. On 14 December 2018, the LRV transmitted a letter from certain victims to the Trial Chamber, together with his response thereto (“Victim Letter”).⁸

9. From 12 to 15 December 2018, the Trust Fund’s legal staff and field programme staff participated in a three day planning workshop regarding the next phase of the reparations implementation. In light of the JTAG recommendation of 6 December 2018, the Trust Fund planned the next steps based on two scenarios: one in which missions to Bunia were permitted, thereby enabling The Hague based staff to be deployed to Bunia in mid-January to support and reinforce the field staff; and one assuming that no such mission would be possible.

10. On 13 December 2018, a detailed database of the payments made in respect of the first trimester of the school fees payment was shared with the LRVs.⁹

11. On 20 December 2018, the Trust Fund communicated its plan to the LRVs regarding all the planned steps relevant to the payment of the second trimester until the end of January, as well as a *guide d’entretien*.¹⁰ The Trust Fund proposed to meet with the LRVs on 7 January 2019. In respect of the other income generating activities, the housing assistance and psychological

⁶ 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-Conf.

⁷ The JTAG is a multi-organ body whose mandate is to review and provide advice on the operations of the International Criminal Court in the field.

⁸ *Communication du Représentant légal relative aux vues et préoccupations des victimes bénéficiaires de réparation*, 14 December 2018, ICC-01/04-01/07-3819-Conf.

⁹ Email on 13 December 2018 at 11:56.

¹⁰ Email on 20 December 2018 at 16:48.

support, the Trust Fund reiterated its request to the LRV to share the data collected jointly, but recorded separately, to enable the Trust Fund's further planning.

12. On 27 December 2018, following multiple requests from the Trust Fund, the LRV communicated to the Trust Fund his database of the victims' collective choices from the joint January and August 2018 collective choice missions ("Victim Choice Database").

13. On 7 January 2019, the LRV sent comments on the proposed calendar.¹¹ On the same date, the proposed meeting on the implementation of the second trimester payment and other modalities took place.¹²

14. On 10 January 2019, the Trust Fund communicated an adjusted schedule requesting authorisation to contact certain victims and responding to the comments made by the LRV.¹³ The OPCV LRV and the LRV responded on 11 January 2019 and 15 January 2019, respectively. On 13 February 2019, with respect to clarifications sought by the LRV on 30 January 2019, the Trust Fund responded addressing all aspects raised by the LRV.

15. Also on 10 January 2019, 17 January 2019 and 23 January 2019, the JTAG maintained its recommendation to suspend missions to Bunia.

16. On 16 and 31 January 2019 respectively, the Trust Fund handed over copies of the *actes de reception* relevant to the first trimester education payments to the LRVs.¹⁴

17. On 21 January 2019, the Trust Fund's Associate Field Programme Officer ("AFPO")¹⁵ began making the second semester payments for the education assistance awards.

18. On 28 January 2019, the JTAG recommendations for the DRC were lifted, permitting missions to Bunia.

19. On 29 January 2019, the Trust Fund's Legal Officer arrived in Bunia to assist the AFPO in completing the payment of the second trimester education payments.

¹¹ Email on 7 January 2019 at 13:08.

¹² Meeting on 7 January 2019 from 14:00 onwards.

¹³ Email on 10 January 2019 at 14:35.

¹⁴ Email to the LRV on 16 January 2019 at 15:19 and email acknowledging receipt on the same date at 17:16; Email to the OPCV LRV on 31 January 2019 at 10:43 and email acknowledging receipt on the same date at 11:18.

¹⁵ The AFPO was alone in Bunia because of the JTAG recommendation preventing the planned arrival of other support staff. Additionally, the other AFPO was on mission during this period in relation to another proceeding.

20. In the Order of 7 February 2019, the Trial Chamber instructed the Trust Fund to submit: (i) a summary of developments since the 6 December 2018 Update Report; (ii) a detailed calendar of the next modality, including the methods and actors who will implement it; (iii) a general calendar of the next modalities; and (iv) observations on the possibility to convert certain modalities into compensation, including on the feasibility and appropriateness to put in place a follow-up system.¹⁶

21. On 12 February 2019, following the discovery of the first documented case of Ebola in Bunia, the JTAG issued a recommendation suspending all “travel from and to Ebola outbreak areas”, explicitly including Bunia, and instructing ICC personnel to “defer from non-essential contact with local communities/clients that could come from and/or travel from Ebola outbreak areas, as well as to refer all mission related medical queries to the medical officer”.¹⁷ These recommendations remain in place at the time of filing.

22. The Trust Fund hereby submits the requested update report, based on the instructions contained in the Order of 7 February 2019.

III. TFCV REGULATION 58 UPDATE REPORT

23. This section is organised according to the four issues identified by the Trial Chamber in its Order of 7 February 2019.

A. Developments since the 6 December 2018 Update Report

24. At the outset, the Trust Fund wishes to express its gratitude to the LRV for communicating to the Trust Fund, on 28 December 2018, the Victim Choice Database, which has permitted the Trust Fund to harmonise and finalise the master database¹⁸ and thereby make significant progress with respect to the remaining collective reparations awards (described below in section C). Since receiving the Victim Choice Database, the Trust Fund has undertaken an intensive review of the data contained therein in comparison to its own records. In this regard, the Trust Fund informs the Trial Chamber that it has identified a small number of discrepancies,¹⁹

¹⁶ Order of 7 February 2019, para. 18.

¹⁷ Email on 12 February 2019 at 17:24.

¹⁸ See 2 October Submission, para. 29.

¹⁹ For example, with regard to the specific types of cattle or merchandise (for the income generating activities) requested.

regarding which it is currently preparing to communicate to the LRV in order to decide together on the most efficient way to resolve these differences.

25. Second, the Trust Fund wishes to highlight the tremendous work undertaken since the 6 December 2018 Update Report by its AFPO in Bunia, who, despite very difficult circumstances, successfully implemented the payments of the second trimester education fees. In this regard, the Trust Fund informs the Trial Chamber that the Trust Fund paid, with the exception of one individual,²⁰ all the second semester payments of educational assistance (where applicable²¹), and that no students were sent home from school for lack of payment. The Trust Fund is currently preparing the copies of the *actes de réception*, which will be delivered to the LRVs by the end of next week at the latest.

26. However, the JTAG restrictions in place did pose serious challenges to the Trust Fund. First, the AFPO had to expend a significant amount of time to arrange the payments to the school directors, particularly in relation to those schools located within the restricted travel areas.²² Second, during its planning sessions in December, the Trust Fund had envisaged the January 2019 activities on the basis of four staff members in Bunia, in order to permit the school fee payments to be made, as well as preparatory work (which must be done in Bunia) on the other modalities. Due to the impossibility of having this support in place, the AFPO was understandably not able to do all of these other tasks on his own.

27. Furthermore, the JTAG restrictions and Ebola crisis also impacted upon the planned start date for the Trust Fund's newly recruited STA AFPO based in Bunia, which was originally envisioned for the second half of January, but had to be delayed in part due to these reasons. However, the Trust Fund is pleased to inform the Trial Chamber that this individual will begin working with the Trust Fund tomorrow, i.e. 1 March 2019. In addition, the Trust Fund informs the Trial Chamber that it is in the process of finalising the recruitment of a second STA AFPO. This reinforced field capacity means that the Trust Fund will have four staff members in Bunia,

²⁰ This relates to the payment of university tuition, the amount for which, at the time of payment, had not been set by the educational institution. After discussion with the victim and upon her request, the Trust Fund is waiting to receive information of the amount of payment needed.

²¹ The Trust Fund notes that, for example, the professional formations are not paid on a trimestral basis.

²² The JTAG restrictions do not only prevent missions, but also limit areas within the DRC and Ituri where ICC personnel can travel.

which will reduce the need for HQ staff reinforcement, thereby reducing the risk of delays in the case of the continued or new JTAG restrictions.

B. Detailed description of the next modality proposed to be implemented

28. In this section, the Trust Fund presents in detail the proposed method of implementation, including a timeline and who will be responsible for the implementation, for the provision of cattle.

1. Detailed description of the proposed method of implementation

29. The Trust Fund recalls and incorporates herein by reference its previous submissions related to its determination, due to security and cost concerns, to proceed using the regularly scheduled cattle markets, as opposed to organising special markets for the *Katanga* case victims only.²³ This was also discussed with the LRVs at the 7 January 2019 meeting.²⁴

30. As already mentioned above, now that the Trust Fund has received the Victim Choice Database, it has organised the victims into groups of 10-15²⁵ (for security reasons to ensure undue attention is not drawn to the victims) based on their location and specific types of cattle desired. Further, the Trust Fund has provisionally scheduled the victims based on the dates of the cattle markets in Ituri, as described in its previous report,²⁶ to begin on 1 April 2019. While

²³ See 2 October Submission, paras 25-27.

²⁴ The Trust Fund explored two options in depth. The first option consisted of selecting specific cattle sellers as a result of a call for expression of interest. The advantage of this method was the possibility to obtain a high number of cattle. However, this method, in addition to causing possible delays (to ensure compliance with the legal framework applicable to competitive selection), was found to be likely to increase undue attention towards the victims. Indeed, should these providers be gathered at special markets, this would necessarily attract attention to the victims. Alternatively, the Trust Fund considered inviting the sellers to a standard market, but determined that this would lead to other difficulties (such as the practical impossibility of preventing these providers from selling their cattle to individuals other than the victims, or the equally impossible way to prevent victims to direct their choice to other providers, thereby defeating the vendor selection system). Additionally, practical obstacles were identified (such as, *inter alia*, the increased difficulty of proceeding to a medical examination, the risk of this process leading to increased prices, or the lack of incentives for the providers who would attend travel from sometimes far away and would attend markets without any guarantee that their cattle would be selected). The second option considered consists in having victims purchase the cattle of their choice at the market with the assistance of the Trust Fund. This is the option that has been chosen by the Trust Fund as being at the same time the most competitive (open market) and the one enabling the maximum freedom of choice to the victims.

²⁵ Because of the number of victims located in Bogoro and the limited number of regular markets in Bogoro, the Trust Fund proposes to slightly increase the group size for these markets, as well as identify those victims who might be able to travel to the Bunia cattle markets.

²⁶ See 2 October Submission, paras 26-27. The Trust Fund conducted follow-up meetings with IPAPPEL in December 2018 and January 2019 to get the updated regular cattle market calendar.

provisional at this stage, the Trust Fund informs the Trial Chamber that, based on this schedule, 103 victims would be able to select their cattle of choice by the end of April 2019.

31. In the lead-up to the actual implementation, the Trust Fund will carry out the following preparatory steps: 1) communication with the *Inspection provinciale de l'agriculture, pêche et élevage* ("IPAPEL") of the estimated number and types of cattle for each market;²⁷ 2) arranging of the transfer of funds with the relevant finance units of the Registry; 3) obtain a security assessment from the Bunia Field Office security officers with respect to the proposed payment method; 4) communicate the proposed calendars and groups to the LRVs for their input; and 5) with the consent of the LRVs, contact the relevant victims in advance to inform them of the scheduled date and how the implementation will proceed, as well as confirming their specific choices, if needed. In those instances where a victim indicated that he or she requires assistance to travel, the Trust Fund would liaise with the LRVs and the victim to find appropriate *ad hoc* solutions.

32. On the day of the cattle market, one Trust Fund staff member will be present at the market, while a second staff member will be located at a nearby secure and private location with the funds for payment. At the market, the Trust Fund staff member will ensure that the selected cattle's health is certified by the veterinarian on call at the market (if such certification is not already provided by the provider, as is often the case) and that the cattle purchases are accompanied by the required documents, namely the *fiche de marché à bétail* (cost of approximately USD 4 and borne by the seller and replicated on the final selling price), a receipt of purchase and a *certificate d'origine et de santé* (cost of approximately USD 2 and is usually borne by the buyer, in which case the Trust Fund will pay this administrative cost).

33. Regarding the financial and documentation aspects, while this is still to be finalised with the relevant security staff, the Trust Fund currently intends to, first, have each victim sign the *acte de réception* immediately after receiving his or her selected livestock. The Trust Fund will provide a *jeton* to the seller, upon which the seller will write the final price. Both the Trust Fund staff member and the seller will sign the *jeton*, with the veterinarian as a witness. With this

²⁷ IPAPEL will communicate this information to the regular cattle sellers without identifying that it relates to the *Katanga* case or mentioning the Trust Fund. This is in order to ensure that there are sufficient and appropriate cattle available, while also preventing any artificial price inflation and to protect the privacy of the victims at issue. In this respect, the victims will be simply presented as 'buyers' like anyone else at the market as there is no need to reveal their victim or reparations beneficiary status for purposes of purchasing their cattle of choice.

document, the seller will then present himself with the signed *jeton* at the location where the second Trust Fund staff will be located to receive payment. The Trust Fund will speak with the seller *in situ* to explain the method of payment and can confirm that cattle sellers in general are familiar with these types of practices, i.e. to receive cash in a discreet manner, in order to avoid risks to themselves.

2. Detailed Calendar

34. In relation to the above description, the Trust Fund intends to proceed according to the following calendar:

- i. 28 February 2019- Meeting with Procurement to determine appropriate modality of purchase of cattle in line with the Court's regulations (completed)
- ii. 5 March 2019- Scheduled meeting with the Bunia Field Office security staff
- iii. 8 March 2019- Communication of database to the LRVs, containing their victims' specific cattle choices, allocated budget, proposed cattle market and date, as well as a list of victims for whom there exists a discrepancy with regards to this modality, with a proposal for consultations to resolve these and a *guide d'entretien* regarding the proposed contact with the concerned victims
- iv. 11 March 2019- First planning meeting with IPAPPEL
- v. 15 March 2019- arrival in Bunia of the Trust Fund's Legal Officer to provide additional support for this collective award and the planning of the awards described in the next section.²⁸
- vi. Week of 18 March 2019- Communication with concerned victims
- vii. 25/26 March 2019- Second meeting with IPAPPEL
- viii. 1 April 2019- First group of victims attend a cattle market

²⁸ The Trust Fund's Legal Officer will also be overseeing the launch of the new potential beneficiary identification and screening process for other reparations proceedings before the Court. In this regard, a two day training workshop will take place in Kinshasa, DRC during the week of 12 March 2019, after which the Legal Officer and one Associate Legal Officer will travel to Bunia. Only the Legal Officer will assist in the present case. The Associate Legal Officer's presence in Bunia is solely related to the other reparations proceedings.

C. General information on the other collective modalities

35. In this section, the Trust Fund addresses the other collective awards, beginning with the continued implementation of the education assistance awards.

1. Education assistance

36. The Trust Fund notes that there are a small number of cases where the LRV has concerns with the amounts paid during the first semester payments. As set out in the procedural history, the Trust Fund and the LRV have exchanged several emails in relation to these disputed amounts. The Trust Fund's AFPO who handled these payments will liaise with the LRV to resolve these few cases during the month of March 2019.

37. Additionally, the third semester payments will take place between 22 and 30 April 2019. The method of implementation remains the same as that followed for the first and second semester payments.

2. Income generating activities

38. As explained above, the JTAG restrictions prevented the planned preparatory field activities from taking place in January. Specifically, the Trust Fund was not able to collect the *pro forma* merchandise costs from the bulk sellers located in Bunia in order to determine which has the most competitive prices for the desired merchandise. This activity will be carried out as a priority in the course of next week. Discussions are also being scheduled for next week with Procurement in relation to the needed documentation to justify the purchases. However, the Trust Fund has made significant progress in analysing the data regarding the victims' choices under this modality, for which, as set out in section A above, a communication is currently being prepared to the LRV in relation to identified discrepancies so that they can be resolved promptly. In parallel, and similar to the approach described for the cattle markets, the Trust Fund will in the course of next week begin placing the victims into groups of 10-15 persons and scheduling these groups for the pick-up/delivery of their selected items.

39. The Trust Fund intends to send a proposal describing the methodology to be used and the groups and calendar to the LRVs by the week of 18 March 2019, with the target aim to begin actual implementation by mid-April 2019. The proposal will also include details regarding the method and timing of implementation for those victims who selected assistance with the payment of booth rentals for their *petite commerce* activity, as well as a proposal specific for those victims

who selected salted fish (which requires identifying different sellers outside of Bunia, potentially closer to Lake Albert) and those who selected motorbikes and other vehicles.

40. The Trust Fund respectfully proposes that it files a detailed proposal regarding the proposed method of implementation, including the calendar and groups, by 1 April 2019 for the Trial Chamber's consideration and hopeful approval.

3. Housing assistance

41. Following receipt of the Victim Choice Database, the Trust Fund has been able to make significant progress on this collective award. With regard to the method of implementation, the Trust Fund recalls that it proposed to carry out a direct procurement process and, for this purpose, had gathered lists of construction companies from the relevant UN cluster groups that could be eligible for single sourcing.²⁹ However, after reviewing the companies contained on these lists, the Trust Fund has concluded that this is not a viable approach because the majority of the listed companies do not do residential housing construction and the majority of the local housing construction companies operating in Bunia are not contained on this list. This can be explained by the fact that the United Nations' construction needs are substantially different than that needed for this collective award, i.e. the construction of residential housing.

42. The Trust Fund has therefore determined that it would be better to conduct an open tender so that local housing construction companies can apply. On the basis of the collective choices data, the Trust Fund has begun preparing a scope of work ("SoW") for this tender. It intends to communicate a complete draft SoW to the LRVs by the end of the week of 12 March 2019 for their comments. Once finalised with the LRVs and the Procurement Unit, it will also be shared with the Trial Chamber for information.

43. In addition, the Trust Fund's programme staff in HQ is also currently reviewing the bid templates presently in use (which were developed based on the Trust Fund's assistance mandate work) and making modifications, in consultation with the Procurement Unit, to these as necessary in order to be appropriate for this type of tender.

²⁹ See 2 October Submission, para. 30.

4. Psychological assistance

44. This collective award was discussed during the 7 January 2019 meeting with the LRVs. In this respect, it was noted that there is a psychologist who has already worked with the victims in the *Katanga* case and the LRVs expressed support for this individual potentially being contracted, along with a team of local service providers as this person is not based permanently in the DRC, to carry out the psychological assistance activities.

45. The Trust Fund considers it advisable to proceed by way of a public call for services, to which the above mentioned person may apply if they so wish. Following internal consultations, the Trust Fund has determined that it is more appropriate to proceed by way of a call for consultant services,³⁰ which will mean working with the Court's Human Resources section instead of the Procurement Unit.

46. The Trust Fund has begun preparing the Call for Consultants and intends to communicate a complete draft Call for Consultants to the LRVs by the end of the week of 12 March 2019 for their comments. Once finalised with the LRVs and the Human Resources section, it will also be shared with the Trial Chamber for information.

D. Observations regarding whether certain modalities could be converted into compensation amounts

47. In light of the difficulties faced in implementing these forms of collective reparations due to the security and Ebola related constraints, as well as because of the views expressed in the Victim Letter, the Trial Chamber has asked the Trust Fund to provide its view on potentially converting the remaining collective awards into compensation. The LRV has also indicated that he would not necessarily oppose this. The Trial Chamber requested that the Trust Fund specifically address whether compensation could accomplish the reparative goals envisioned in the order for reparations.

48. The Trust Fund understands and acknowledges the frustrations of the victims as expressed in the Victim Letter, as well as the concerns regarding the feasibility of implementing the collective awards in light of the current health and security issues prevalent in Ituri. However, the Trust Fund respectfully submits that, while again acknowledging these difficulties and the

³⁰ This distinction has to do with whether service providers have incorporated a company or operate as an individual.

delays engendered by them, such a drastic measure is premature and not necessary at this time. Further, the Trust Fund also submits that providing compensation would not appear to provide the reparative value intended by the awards ordered by the Trial Chamber.

49. First, many of the difficulties currently faced would still exist in trying to disburse compensation awards, which is not a simple procedure. In this regard, the Trust Fund recalls its experience in implementing the individual compensation awards. At the time, after intense investigation, it was determined (with the support of the LRVs) that bank transfers and mobile phone transfers were not feasible. Ultimately, the compensation was disbursed in cash and handed directly by the Trust Fund to the victims. The same procedure would have to be followed now, with increased security and personal safety risks for victims due to the significantly higher monetary value of these awards compared to the earlier symbolic compensation awards. Further, this procedure would be difficult to organise with the mission, travel and contact restrictions in place.

50. Second, the Trust Fund notes that this could in principle be achieved by converting the income generating and livestock awards, however at a risk of diminished reparative value to victims and a reduced monitoring ability for the Trust Fund. The Trust Fund considers that it cannot be questioned that the victims are more than capable of purchasing these items themselves and also notes that there is sufficient supply on the local market. However, the Trust Fund would like to point out that there would be no way to guarantee the quality of what was purchased, nor any mechanism to require the victims to use the compensation in the manner originally intended.³¹ This is not to suggest that the victims would not use the money for those purposes, as there is no reason to think this,³² but rather that it would be extremely difficult to monitor this. Under the Trust Fund's programme, all purchases are documented with receipts. However, it is not reasonable to require victims to keep receipts, nor are they necessarily available for individual small purchases.

51. Regarding the housing assistance, the Trust Fund considers that there are serious risks to conversion of the award to compensation, because there would be no way for the Trust Fund to

³¹ In this regard, the Trust Fund considers that if an award such as those at issue here is converted to compensation, there arguably should be no restriction or 'intended use' still attached to it, but rather it should be fully up to each individual victim to use the money received on whatever they may wish to purchase.

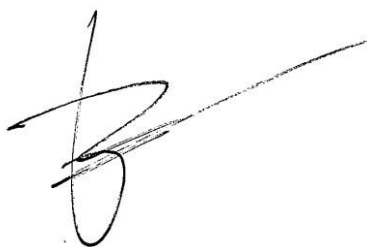
³² Indeed, as noted by the LRV, there is actually reason to think this. In this respect, the Trust Fund recalls that many victims used their individual compensation awards to start or improve an income generating activity.

guarantee the quality of the material bought for the housing or to ensure that a house would be built. For example, victims who may intend to construct a home themselves may encounter health situations that prevent them from doing so, in which case the reparative value of providing housing would be frustrated. Further, any disputes with or cost overruns by contractors would have to be addressed by the victim on their own. Under the tender process, the Trust Fund will be able to ensure the quality of the homes built and intervene on the victims' behalf in case of poor work or cost overruns. The Trust Fund considers this to be an important protection for the victims.

52. Finally, with respect to the psychological assistance, the Trust Fund notes that there is a serious lack of available services in Ituri and the DRC generally. The Trust Fund therefore wishes to call to the Trial Chamber's attention that it does not consider that victims would be able to procure the appropriate psychological assistance in the local market, which would defeat the purpose of this award.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to take note of the present report and stands ready to appraise the Chamber of any further relevant developments.



Pieter W.I. de Baan

Executive Director of the Trust Fund for Victims, on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 28 February 2018

At The Hague, The Netherlands