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TRIAL CHAMBER II

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

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

THE PROSECUTOR v. GERMAIN KATANGA

PUBLIC REDACTED VERSION

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

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**

Mr Phillip Ambach

1. Pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (“Trust Fund”), the Trust Fund hereby provides an update report on progress in the implementation of the collective reparations award ordered in the case of *The Prosecutor v. Germain Katanga*, namely to report to Trial Chamber II (“Trial Chamber”) on developments since the last update reports on the implementation of collective reparations awards, submitted on 28 February 2019¹ and 3 July 2019² (“28 February 2019 Update Report” and “3 July 2019 Update Report”, respectively), as well as to provide a detailed description of the next reparations activities proposed to be implemented, for which the Trial Chamber’s approval is requested herein, in accordance with the Trial Chamber’s instructions set out in its order issued on 7 February 2019 (“Order of 7 February 2019”).³

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. Annexes A and B are classified as confidential, *ex parte* available only to the Trust Fund as they relate to internal Court working processes.

II. RELEVANT PROCEDURAL HISTORY

3. The Trust Fund recalls and incorporates by reference herein the procedural history set out in the 28 February 2019 Update Report, in which it reported on progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber, namely: (i) housing assistance; (ii) educational assistance; (iii) income generating activities (“IGAs”); and (iv) psychological support,⁴ as well as the procedural history in its 3 July 2019 Update Report, in which it reported on the implementation of the third trimester education assistance reparations awards.

¹ Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 28 February 2019, ICC-01/04-01/07-3826-Conf.

² 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, ICC-01/04-01/07-3834-Conf.

³ Ordonnance enjoignant au Fonds de déposer un rapport sur l'état d'avancement de la mise en œuvre des réparations et sur les prochaines étapes et activités prévues, ICC-01/04-01/07-3825-Conf.

⁴ See [Reparations Order](#), para. 304. See also paras 302-303.

4. Between 18 March 2019 and 13 April 2019, the legal representatives of victims (“LRV” and “OPCV LRV”, jointly referred to as “LRVs”) undertook a joint field mission with the Trust Fund to meet with their clients in order to (i) update, due to changing circumstances, the victims’ choices on the four modalities of collective reparations and (ii) to work together with the Trust Fund on the preparation of said modalities.⁵

5. Beginning on 4 April 2019, the Court’s Joint Threat Assessment Group (“JTAG”)⁶ issued a recommendation concerning the security and health situation in the Democratic Republic of the Congo (“DRC”) related to the Ebola outbreak, suspending “all travel from and to Ebola outbreak areas”, explicitly including Bunia. This recommendation was maintained on 18 April 2019 and has continued to be maintained until the present time. The most recent JTAG, issued on 10 June 2019, states that “[d]ue to the exceptional circumstances, the Bunia Office is not able to support any missions or conduct local activities, other than those essential to the preparedness and response to the Ebola situation”.⁷ This recommendation remains in place at the time of the present filing.

6. In April and May 2019, the Trust Fund collected *pro forma* merchandise costs from the bulk sellers located in Bunia, in order to determine which has the most competitive prices for the desired IGA merchandise. As noted in the 28 February 2019 Update Report, this field activity, which was originally planned to take place in January, could not take place due to the JTAG restrictions at that time.⁸

7. On 23 May 2019, the LRV filed a report in relation to the implementation of the collective reparations awards, including the recent joint mission undertaken with the Trust Fund.⁹

8. On 3 July 2019, the Trust Fund filed its update report relevant to the implementation of the education assistance reparations award.¹⁰

⁵ See *Rapport du Représentant légal relatif à l’exécution des réparations collectives*, 23 May 2019, ICC-01/04-01/07-3832-Conf (“LRV Report of 23 May 2019”), para. 6; a Trust Fund Associate Field Programme Officer participated with the LRVs in the interviews with the victims.

⁶ 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.

⁷ Email on 10 July 2019 at 16:09.

⁸ 28 February 2019 Update Report, para. 38.

⁹ *Supra* fn. 5.

¹⁰ *Supra* fn. 2.

9. On 15 July 2019, the LRV filed observations on the Trust Fund's 3 July 2019 Update Report.¹¹

10. Additional procedural history relevant to each collective modality is contained in the relevant section and not produced here to avoid duplication.

11. The Trust Fund hereby submits an update report on the implementation of the collective reparations awards and requests the Trial Chamber's approval for the implementation proposal relevant to two modalities, namely: 1) income-generating activities, specifically cattle and 'small' IGAs totalling below 10,000 EUR¹² per item/activity, and 2) education assistance, specifically the payment of the first trimester school fees for the 2019-2020 school year.

III. TFFV REGULATION 58 UPDATE REPORT

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

A. Developments since the 28 February 2019 Update Report

13. As previously stated in its 3 July 2019 Update Report, the Trust Fund wishes to reiterate its gratitude to the LRVs for the invaluable collaboration during the mission in the field.¹³ During the joint interviews with the victims, the Trust Fund and the LRVs were able to directly deal with any potential issue, and afterwards, the LRVs provided the Trust Fund on a rolling basis with the consolidated information on the victims' choices expressed during the interviews,¹⁴ which allowed the Trust Fund to update its databases accordingly.

14. In this section, the Trust Fund addresses three overarching issues: 1) the Ebola crisis in Ituri; 2) human resources related developments; and 3) information related to the Trust Fund's proposed procurement methodology of direct implementation using MODs.

¹¹ Observations du Représentant légal sur le rapport du Fonds au profit des victimes du 3 juillet 2019 (ICC-01/04-01/07-3834-Conf), ICC-01/04-01/07-3835-Conf.

¹² While the Reparations Order is in USD, the EUR is the point of reference used by the Procurement Unit.

¹³ 3 July 2019 Update Report, para. 13.

¹⁴ *Rapport du Représentant légal relatif à l'exécution des réparations collectives*, para. 30.

1. The Ebola crisis in Ituri

15. The ongoing and worsening Ebola crisis in Ituri has continued to pose serious challenges to the Trust Fund's planning and activities over the present reporting period. As set out in the procedural history, there has been a JTAG in effect for almost the entirety of 2019.

16. The JTAG restrictions have affected the Trust Fund's work in numerous ways. First, the JTAG limits the areas in Ituri to which the Trust Fund can travel, including areas where victims of the present case reside. It also restricts the Trust Fund's ability to interact with the local population generally, which has impacted the Trust Fund's planning in terms of outreach and organisation with local vendors and other relevant organisations. In a similar manner, the JTAG has prevented the LRVs from joining the Trust Fund on planned joint missions relevant to advancing the implementation of the reparations awards.

17. Furthermore, the travel restrictions in place have included both entering and leaving the covered area, including for the Trust Fund's locally-based DRC staff. Due to this, the Trust Fund was not only unable to deploy as planned Hague-based staff to reinforce its Bunia-based colleagues, but also has faced a situation where one of its Associate Field Programme Offices ("AFPO"), as well as its newly recruited staff (addressed in the next section), were not able to enter Ituri and had to be based out of the Kampala and/or Kinshasa field offices for much of the present reporting period. In addition, one of the Trust Fund's AFPOs, due to travel for personal reasons, was placed in preventative quarantine from 12 June to 3 July 2019.

18. The Trust Fund informs the Trial Chamber that locally-based staff have now been cleared to enter Bunia and that the Trust Fund's Bunia staff did in fact enter Bunia on Monday, 22 July 2019. However, the restrictions on other staff or the LRVs entering Bunia remain in place, as well as the restrictions relevant to activities involving the local population and travel in Ituri to other localities. The Trust Fund continues to carefully monitor the Ebola situation, in coordination with the Court's medical staff and the DRC country office.

19. In the meantime, despite these challenges, the Trust Fund has continued planning for the implementation of the reparations awards and intends, subject to the Trial Chamber's approval, to continue with the implementation of those activities that are possible. In this regard, the evolving and potentially quick-changing Ebola situation has necessary consequences upon the Trust Fund's ability to plan with a high degree of detail, as well as its corresponding obligation to provide the

Trial Chamber with detailed information of upcoming activities, particularly in regards to providing a detailed calendar of activities and list of implicated staff.¹⁵ Given that a future window of opportunity to, for example, reinforce its Bunia-based staff with Hague-based colleagues, to conduct specific activities, or travel to a certain locality may appear with very short notice and only be available for a limited duration of time, the Trust Fund would respectfully request that the Trial Chamber take note of this reality when it considers approving the Trust Fund's next proposed activities. The Trust Fund intends to continue, as it has done in the past, to inform the Trial Chamber by way of informal communications of various developments and activities, but would underscore the need for flexibility to be able to quickly adjust to changing circumstances.

20. Finally, in light of the difficulties posed by the current Ebola crisis, the Trust Fund has explored whether other modalities of implementation and/or compensation conversion may be more appropriate. However, the Trust Fund's current assessment is that the constraints and risks posed by the Ebola crisis would, perhaps differently, but equally affect other implementation modalities (use of local implementing partners/contractors/consultants) or compensation implementation. Put bluntly, there is currently no readily identifiable alternative solution. The Trust Fund continues to explore potential alternatives as it monitors developments, in collaboration with the LRVs, and will promptly apprise the Trial Chamber should it identify any feasible alternative proposals.

2. Human Resources related developments

21. Since the last update report, the Trust Fund has made significant progress in reinforcing its human resource capacities.

22. The Trust Fund is pleased to inform the Trial Chamber that a newly recruited Programme Manager (P-4) joined the Secretariat in June 2019. The Programme Manager, based in Bunia, has overall responsibility for all programme related activities in the DRC under both of the Trust Fund's mandates. In addition, the Trust Fund has finalised the recruitment of a new STA AFPO (P-2), who is scheduled for mobilisation in early August. This reinforced field capacity means that the Trust Fund has in principle four staff members in Bunia, thereby reducing the risk of delays in the case of continued or new JTAG restrictions.

¹⁵ Order of 7 February 2019, para. 18.

23. However, similar to what was explained above in relation to its AFPO, due to the JTAG restrictions, the Programme Manager was only able to enter Bunia on Monday, 22 July 2019. The newly recruited AFPO is expected to be at the Bunia duty station shortly. In addition, the Bunia-based field colleagues are supported in The Hague by the Legal Officer, one Legal contractor, and one Visiting Professional. As a final note, the Trust Fund reiterates the indispensable support provided by the LRVs, who continue to collaborate and work closely with the field and Hague based staff on a regular basis, as well as the support from the Kinshasa and Bunia country offices.

24. [REDACTED]. Given that the implementation of the larger IGAs and housing assistance (discussed in a later section below) involve a very active role of the Procurement Unit, the Trust Fund and the Procurement Unit have reached an agreement to have the Trust Fund's Programme Assistant assigned to the Procurement Unit once a week in order to assist in processing the Trust Fund's requests. The Trust Fund informs the Trial Chamber that, after being trained by the Procurement Unit, the Programme Assistant has already begun carrying out this new role. The Trust Fund wishes to express its most sincere gratitude to the Procurement Unit for its active support and participation in finding this proactive solution and for the time taken to train and assist the Programme Assistant in these new tasks. In addition, the Trust Fund is currently finalising the recruitment of a new STA Associate Procurement Officer (P-2), thus reinforcing the Trust Fund's procurement capabilities including in regard of the implementation of reparation awards in the *Katanga* case.

3. The Trust Fund's proposed procurement methodology of direct implementation using MODs

25. The Trust Fund recalls that it has consistently informed the Trial Chamber of its proposal to proceed by way of direct implementation, i.e. by the Trust Fund's staff without the use of implementing partners, for several of the collective reparations activities, specifically education assistance, and the provision of cattle and certain IGAs.¹⁶ Indeed, in this regard, the Trust Fund notes that this preferred proposed method of implementation for certain activities dates back to the

¹⁶ 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-Conf; 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-01/04-01/07-3825-Conf.

LRV's initial observations on the Trust Fund's Draft Implementation Plan.¹⁷ The preference for this form of implementation was reiterated to the Trust Fund by the victims themselves during the collective choices interviews in January-March and August 2018. This approach was first tested with the individual reparations awards in 2017 and again used successfully with the education assistance awards implementation during the 2018/19 academic year.

26. In this respect, the view was expressed by the victims for the Trust Fund to choose an implementation modality 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 Trust Fund or an implementing partner, could appropriately choose cattle on their behalf.

27. Furthermore, the Trust Fund also recalls that, already in the LRV's observations and raised during the collective choices interviews mission, many victims requested that the Trust Fund be mindful of the large number of humanitarian assistance programmes run by NGO actors in Ituri and that, in relation to this, the Trust Fund choose, when appropriate and feasible,¹⁸ an implementation modality that would distinguish the reparations to which the victims have a right from humanitarian aid.

28. Based on the above, the Trust Fund, in collaboration with and support from the LRVs, has consistently proposed to carry out the reparations implementation in a manner that provides as much participation and direct involvement as possible of the victims themselves. The Trust Fund equally considers that there is a separate and important reparative value attached to the Court, through the activities of the Trust Fund, being directly engaged with the victims in the planning, design and actual implementation, as opposed to through an intermediary implementing partner, when such engagement is feasible. The Trust Fund respectfully submits that this approach has

¹⁷ *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.

¹⁸ In this regard, the Trust Fund does not suggest that using implementing partners for the delivery of reparations awards is *per se* problematic or renders the awards indistinguishable from humanitarian aid. Indeed, as consistently proposed in previous update reports and in the present report, the Trust Fund proposes to use implementing partners for the housing and psychological assistance awards. Direct implementation requires more country based staff resources, as well as increased operational support from the relevant sections of the Registry, and as such is not necessarily always appropriate or the most efficient manner of implementation.

permitted it to have a much more collaborative and close relationship with the LRVs and the victims and that this in itself has important reparative value.

29. At the same time, the Trust Fund is mindful that this approach is not the usual manner of business at the Court in terms of the procurement of services and goods. The Trust Fund therefore has understood that it is necessary to provide the Trial Chamber with more information regarding its proposed manner of implementation, particularly in regards to compliance with the Court's applicable legal framework as set out in the Court's Financial Rules and Regulations ("FRR").

30. Accordingly, since the 28 February 2019 Update Report, the Trust Fund has engaged in intensive consultations with the relevant Registry financial and procurement sections in order to provide clarity and assurance to the Trial Chamber. In this regard, the Trust Fund informs the Trial Chamber that it has received, on 19 March and 18 July 2019, written agreement from the relevant Registry sections that the proposed implementation method of direct implementation by way of MOD is permissible under the FRR and that, for the reasons discussed with the Trust Fund, following the typical procurement approach used for services such as computers, desks, and chairs, would not accomplish the specific reparative goals which distinguish reparations awards from these other procurement activities.

31. The Trust Fund has attached the above-mentioned written correspondences to this submission in relation to the cattle markets (Annex A) and the small IGAs (Annex B) for the Trial Chamber's consideration and would respectfully request that the Trial Chamber takes these into account when deciding on its request for approval contained herein.

32. Finally, in addition to the procurement related consultations, the Trust Fund has also continued to liaise and consult regularly, as described already in its 28 February 2019 Update Report in relation to the cattle markets, with the Registry's security, finance, field logistics, and medical units to ensure that the implementation is safe and efficient. The Trust Fund wishes to express its sincere appreciation for the extremely helpful assistance and guidance that numerous Registry units have provided in this regard.

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

33. In this section, the Trust Fund presents the proposed method of implementation, including a timeline and who will be responsible for the implementation, for the provision of the required items for the small IGAs, cattle, and education assistance.

34. With regard to the IGA modality, the Trust Fund has reached the following agreement with the Procurement Unit, in accordance with the FRR:

35. For IGA activities with a value below 10,000 EUR, it is not possible to follow the Court's procurement process, as the majority of the receiving disbursed entities are not formal businesses and/or do not have a bank account, and the Trust Fund requires consistent mechanisms to be applied across beneficiaries at the same time (*see* Annex B). The Trust Fund therefore intends to proceed through MODs whereby payment for services will be made directly to the identified vendors by the Trust Fund. Some activities under this category include the setup of small restaurants, bakery businesses, tailoring, cereal and grain milling, and the sale of pharmaceutical products.¹⁹

36. For IGA activities with a value equal to or greater than 10,000 EUR but less than 50,000 EUR, the RFF requires that the Trust Fund launch an open tender process through the Procurement Unit. For IGAs greater than 50,000 EUR, the procedure is to follow an open tender process and also go through the Procurement Review Committee approval process.

37. Based on the above, the IGAs discussed in this section relate only to the small IGAs. Large IGAs are addressed in section C. below.

38. For all activities in this section, the Trust Fund's Bunia-based staff will directly implement the activities through MODs, potentially with the assistance of Hague-based colleagues and participation of the LRVs, if the JTAG restrictions permit.

1. Detailed description of the proposed method of implementation

39. In the lead-up to the actual implementation, the Trust Fund will carry out the following preparatory steps: 1) the grouping of victims according to the type of IGA and cattle/market, and scheduling these groups for the pick-up/delivery of their selected items; 2) arranging the transfer

¹⁹ For the activity of the sale of pharmaceutical products, as the beneficiaries of this type of activity require specific documents from the Ministry of Health to be allowed to open a pharmacy, the Trust Fund is currently working with the LRV to ensure that said documentation is taken care of.

of funds through an MOD in cooperation with the relevant finance units of the Registry; 3) obtaining a security assessment and updated recommendations from the Bunia Field Office security officers with respect to the proposed payment method; 4) continued consultations with the Court's medical unit; 5) communicating the proposed calendars and groups to the LRVs for their input; and 6) with the consent of the LRVs, contacting 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 instances where a victim indicated that he or she requires assistance to travel, the Trust Fund will liaise with the LRVs and the victim to find appropriate *ad hoc* solutions.

40. With regard to the cattle and education assistance awards, the Trust Fund also refers to its previous explanations of preparatory steps, which it will continue to follow as previously planned and carried out, adjusted for the new calendar.

41. The Trust Fund intends to start the purchase of cattle in the same week in August as the purchase of the small-scale IGAs. Since the visits to the cattle markets will be scheduled on the dates of the regular cattle markets in Ituri, the purchase of the items for the small IGAs will be scheduled on dates on which no regular cattle markets take place.

42. Following agreement with the Procurement Unit, the Trust Fund intends to purchase the items directly from the vendors through MODs (*see* Annex B). The Trust Fund has looked at several options for the pick-up/delivery of the selected items. One of the options was for the Trust Fund to store the items and have the victims pick them up at their convenient time. However, this poses the problem that the items are then to be considered as an asset of the Court for as long as they are in the Trust Fund's possession, involving accountability in case of any damage or theft. Another option was for the vendors to keep the items with them and to provide the victims with a *jeton* to pick up their selected items at their convenience. This option would however make it very difficult to monitor which victim has received which item(s) and which items are still in possession of the vendors. For those reasons, the Trust Fund intends to group the victims according to the type of IGA and to visit the vendors with these little groups, so the victims can directly receive their selected items based on their budgets and choice of activity. Regarding the financial and documentation aspects, the Trust Fund intends to have each victim sign an *acte de réception* immediately after receiving his or her selected merchandise.

43. The Trust Fund intends to cover the costs of transportation of the items to the location of the victim. In a situation where the victim is unable to collect all of his/her items as a result of insufficient storage or as a result of the perishable nature of the items, provision will be made for the vendor to provide the items in batches as per the request of the victims. A *bon de retrait* system will be set up to enable the victims to collect the needed quantity of items at their convenience.

2. Detailed Calendar

44. In relation to the above descriptions, the Trust Fund intends to proceed according to the following calendar:

- i. Weeks of 22 July- 1 August 2019- Grouping of victims according to the type of income generating activity and cattle/market choices; internal scheduling of these groups for the pick-up/delivery of their selected items; preparation of receipts and financial documentation; consultation with security and logistics for off-site location rentals; MOD preparation
- ii. Weeks of 1 and 8 August 2019- Communication of database to the LRVs, containing their victims' specific cattle and IGA choices and updated education assistance information, allocated budgets, proposed dates to provide the victims with the required items, as well as a list of victims for whom there exists a discrepancy with regards to any of these modalities (if any), with a proposal for consultations to resolve these and a *guide d'entretien* regarding the proposed contact with the concerned victims
- iii. Week of 8 August 2019- If possible, arrival in Bunia of the Trust Fund's Legal Officer to provide additional support for the preparation of the small IGAs, the cattle modality, and the educational assistance for the first trimester of the new school year
- iv. Week of 12 August 2019- Communication with concerned victims
- v. Week of 19 August 2019- First group of victims receive cattle and IGA items (cattle- Monday and Thursday; IGAs- Tuesday, Wednesday and Friday), as well as copy of receipts for first year school fee payments if applicable

- vi. Weeks of 26 August and 2 September 2019- first trimester school fee payments and, depending on field human resources available, continuation of cattle and small IGA item provision.
- vii. Remainder of September 2019- continuation of cattle and small IGA item provision

3. Request for Approval

45. The Trust Fund respectfully requests the Trial Chamber's approval for the proposed implementation set out above in this section. The Trust Fund has diligently carried out consultations with all relevant Registry colleagues, including in order to ensure compliance with the RFF, and with the LRVs, and has provided the Trial Chamber with as much detailed information as is realistic and possible, particularly bearing in mind the evolving Ebola situation in Ituri and the corresponding JTAG restrictions.

46. The Trust Fund respectfully requests that the Trial Chamber issue its approval, if so inclined, by the second week of August, if possible, in order for the Trust Fund to proceed with final planning and before it begins contacting the victims. The Trust Fund stands ready to promptly provide any additional information needed and will, as done previously, regularly update the Trial Chamber through informal communications as the preparatory steps detailed above take place.

C. Information on the other collective modalities

47. In this section, the Trust Fund addresses the other collective awards, beginning with the 'large' IGA awards.

1. Income-Generating Activities – Large IGAs

48. In respect of the IGAs which involve a large number of beneficiaries and allocated budgets totalling over 10,000 EUR per type of IGA, the Trust Fund is required by the Court's RFF to pass through an open tender process. Thus, for the purchase of motorcycles and fuel, the Trust Fund has finalised the EOIs, which were advertised on the websites of the Court and the United Nations Global Market Place by the Procurement Unit on 5 July 2019 for a period of four weeks, with a closing date of 8 August 2019.²⁰ Once the bids are received from the Procurement Unit, the Trust

²⁰ Email from Procurement Unit to Trust Fund on 5 July 2019 at 12:04.

Fund will proceed to select the bidder that is most competitive in terms of price and specifications indicated by the victims.

49. For other large IGAs, like the purchase of fish and various products, the Trust Fund continues to work closely with the LRVs and the Procurement Unit to find the most appropriate solution and will revert back to the Trial Chamber with more detailed information when able.

2. Housing Assistance

50. With regard to the housing assistance modality, the Trust Fund recalls that it proposed to conduct an open tender to enable local housing construction companies to apply.²¹ To that end, the Trust Fund finalised the EOI, which was advertised on the websites of the Court and the United Nations Global Market Place by the Procurement Unit on 23 May 2019 for a period of three weeks, with a closing date of 14 June 2019.²² During the posting period, the Bunia-based AFPO circulated the EOI to local companies throughout Ituri.

51. On 11 July 2019, the Trust Fund received the consolidated results of the EOI from the Procurement Unit,²³ which are currently under review by a Trust Fund panel consisting of an Associate Legal Officer, Associate Field Programme Officer and a Programme Manager. Once organizations have been pre-qualified, they will be given a detailed Scope of Work (“SoW”) under a Request for Proposals document (“RFP”).

52. In this regard, the Trust Fund shared a first draft of the SoW with the LRVs on 19 March 2019.²⁴ The OPCV LRV and LRV provided the Trust Fund with their observations on 25 March and 26 March 2019, respectively.²⁵ As the victims’ choices on the modalities of the collective reparations were updated following the joint interviews during the last field mission, the Trust Fund has updated the details of the SoW accordingly and intends to recirculate the revised document to the LRV in the coming weeks.

53. The Trust Fund wishes to inform the Trial Chamber that, for the RFP to attract meaningful applications, it will need to disclose details about the type of projects sought that are currently

²¹ 28 February 2019 Update Report, para. 42.

²² Email from Procurement Unit to Trust Fund on 24 May 2019 at 11:13.

²³ Email from Procurement Unit to Trust Fund on 11 July 2019 at 14:45.

²⁴ Email from Trust Fund to LRV on 19 March 2019 at 17:34; email from Trust Fund to OPCV LRV on 19 March 2019 at 17:40.

²⁵ Email from OPCV LRV to Trust Fund on 25 March 2019 at 11:47; email from LRV to Trust Fund on 26 March 2019 at 20:08.

confidential. This would refer to information concerning, *inter alia*, the exact localities where land lots need to be obtained and where houses need to be constructed or improved. In order to ensure that the requested activities could not in any way be linked to reparations in this case, the Trust Fund intends to have the pre-qualified organizations sign an agreement on confidentiality, non-disclosure and intellectual property rights, which it has developed with the Registry's Procurement Unit and Legal Office.

3. Psychological Assistance

54. On 19 March 2019, the Trust Fund communicated a draft Call for Consultants to the LRVs for their comment and input.²⁶ The OPCV LRV provided the Trust Fund with her observations on 25 March 2019, and, on 3 April 2019, the LRV informed the Trust Fund that he would make a counter-proposal within a reasonable period of time.²⁷ The Trust Fund is currently waiting for the LRV's feedback and understands that the LRV intends to make a substantive counter-proposal detailing additional activities that he considers to be of relevance for this award. Once received and finalised with the Human Resources section, the Call for Consultants will be shared with the Trial Chamber for information.

²⁶ *Supra* fn. 24.

²⁷ Email from OPCV LRV to Trust Fund on 25 March 2019 at 11:47; email from LRV to Trust Fund on 3 April 2019 at 16:55.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to:

- Take note of the information relevant to the evolving Ebola situation in Ituri;
- Take note of the developments in relation to the Trust Fund's human resources dedicated to the implementation of the reparations awards in this case, in the field and The Hague;
- Take note of the consultations and agreements reached regarding the Trust Fund's proposed procurement methods contained in Annexes A and B;
- Take note of the proposed implementation information provided and the progress reported in relation to the housing, large IGA, and psychological assistance collective awards;
- Take note of the detailed information and proposed schedule for the implementation of the cattle, small IGAs, and first trimester education assistance awards;
- Approve the implementation of the cattle, small IGAs, and first trimester education assistance awards, as set out in section B above.



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 22 June 2021
(Date of original 26 July 2019)
At The Hague, The Netherlands