



Original: English

No.: ICC-01/04-01/07
Date: 19 October 2021

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

**Public redacted version of the 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**

Source: The Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor****Counsel for Germain Katanga**

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**Victims Participation and Reparations
Section**

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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 quarterly reports starting with a first report on 17 July 2020,¹ the Trust Fund hereby provides the Trial Chamber with its sixth quarterly update report concerning the progress in the implementation of the four collective reparations awards ordered in the case of *The Prosecutor v. Germain Katanga*, namely: (i) housing assistance; (ii) educational assistance; (iii) income-generating activities (“IGAs”); and (iv) psychological support.²

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. The Trust Fund has classified the annex as confidential, *ex parte*, available only to the Trust Fund, as it contains information related to the identities of beneficiaries represented by both legal representatives of victims (“LRVs”). 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 reparations awards, submitted on 28 February 2019,³ 26 July 2019,⁴

¹ *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-Conf.

² See [Order for Reparations](#), para. 304. See also paras 302-303.

³ 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.

⁴ 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 2019,⁵ 17 July 2020,⁶ 18 September 2020,⁷ 19 October 2020,⁸ 19 January 2021,⁹ 19 April 2021¹⁰, and 19 July 2021¹¹ (“26 July 2019 Update Report”, “18 November 2019 Update Report”, “17 July 2020 Update Report”, “19 October 2020 Update Report”, “19 January 2021 Update Report”, and “19 July 2021 Update Report” respectively) where it described the progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber,¹² 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,¹³ of a proposed alternative method of implementation for the purchase of fish,¹⁴ of the implementation of reparations in relation to motorcycles, fuel and various products,¹⁵ of a proposed alternative method of implementation of the housing assistance modality,¹⁶ and of an implementation proposal related to the psychological support modality.¹⁷

4. On 30 July 2021, the legal representative of victims (“LRV”) submitted his observations on the 19 July 2021 Update Report.¹⁸

⁵ 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-Conf.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

¹² See [Order for Reparations](#), para. 304. See also paras 302-303.

¹³ 26 July 2019 Update Report, paras 45-46.

¹⁴ 18 November 2019 Update Report, paras 29-33.

¹⁵ 17 July 2020 Update Report, paras 59, 67 and 76.

¹⁶ 19 October 2020 Update Report, para. 48.

¹⁷ 19 January 2021 Update Report, para 48.

¹⁸ *Observations du Représentant légal relatives au rapport du Fonds au profit des victimes « Fifth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims »* (ICC-01/04-01/07-3885-Conf), 30 July 2021, ICC-01/04-01/07-3886-Conf.

IV. REGULATION 58 UPDATE REPORT

5. The Trust Fund hereby submits its sixth quarterly update report on the implementation of the collective reparations awards.

A. LRV Field Mission

6. From 22 until 29 September 2021, the LRV, accompanied by a member of his team, conducted a field mission to Bunia with a view of organising collective and individual meetings with beneficiaries to discuss the remaining IGAs, the housing assistance modality and the psychological support modality.

7. The Trust Fund wishes to express its gratitude to the LRV for the valuable collaboration and the achievements made, which will be discussed below in the relevant sections.

B. Security Situation

8. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri province in general has not improved. The killings and attacks on the local population have not stopped despite the presence of the Armed Forces of the DRC ("FARDC") since the President of the DRC declared the state of siege on 6 May 2021, which has been prolonged on a regular basis. Attacks by various armed groups against positions of the FARDC continue, and the armed groups are gradually getting closer to the town of Bunia.

9. In some territories, for instance in Djugu, the situation has worsened with several people fleeing their homes and settling in displacement camps. The roads between Bunia, Bogoro, Kasenyi and Tchomia are still relatively safe, thus the victims can continue to travel to Bunia for reparation activities. The Trust Fund has been advised to remain vigilant and to always check with the Security Officer when planning activities to avoid exposing victims and Trust Fund staff to security risks.

C. Public Health Situation

10. With the improvement of the public health situation in Ituri,¹⁹ the Bunia-based Trust Fund staff was able to return to Bunia on 10 September 2021. Preventive measures put in place by the

¹⁹ There have been no new cases of COVID-19 in Ituri in the past 40 days, according to daily updates from the United Nations Organization Stabilization Mission in the DRC (MONUSCO).

Congolese government, the UN and the Registry's Occupational Health Unit are still in force and are respected during all implementation activities.

D. Educational Assistance

11. In accordance with the commitment made in the 19 July 2021 Update Report,²⁰ the Trust Fund shared its finalised databases about the beneficiaries of educational assistance with the LRVs.²¹

12. The Trust Fund hereby submits the consolidated database with information pertaining to all beneficiaries concerned by this modality by way of a confidential, *ex parte* annex to the Trial Chamber (*see* Annex A), and will do so accordingly for other modalities after their completion.

E. Income-Generating Activities

13. Following the LRV's mission to consult his clients on, *inter alia*, IGAs, the following steps were taken.

1. Purchase of motorcycles

14. The Trust Fund recalls that two beneficiaries shifted their budget towards the purchase of motorcycles, and that it shared the updated lists with currently available motorcycles from the two vendors with the LRV for the two beneficiaries to indicate their preferred motorcycle(s).²²

15. On 28 September 2021, the LRV informed the Trust Fund of one beneficiary's choice of three motorcycles, and the other beneficiary's wish to shift his budget back to the purchase of cattle.²³

16. The Trust Fund is currently working closely with the Procurement Unit to identify the most appropriate way to purchase these motorcycles, and expects to be able to serve the beneficiary soon.

²⁰ 19 July 2021 Update Report, para. 17

²¹ Email from the Trust Fund to the LRV on 5 October 2021 at 17.38; email from the Trust Fund to the OPCV LRV on 5 October 2021 at 17.39.

²² 19 July 2021 Update Report, para. 23.

²³ Email from the LRV to the Trust Fund on 28 September 2021 at 15.57.

2. Purchase of cattle

17. The Trust Fund recalls that two beneficiaries were still to receive cattle.²⁴

18. As to the first beneficiary, due to his insufficient budget to purchase a goat, the LRV informed the Trust Fund of his client's choice to shift his budget for cattle toward the purchase of various products,²⁵ after which the Trust Fund served him, on 5 October 2021, with the products of his choice.

19. As to the other beneficiary, the LRV's request for resumption of action on behalf of the deceased beneficiary is pending before the Trial Chamber.²⁶

20. Additionally, the LRV informed the Trust Fund that three other beneficiaries switched their budget from the purchase of motorcycles or the housing assistance modality to the purchase of cattle.²⁷ On 4 October 2021, the Trust Fund served two beneficiaries at the cattle market with 8 cattle head, and on 18 October 2021, one beneficiary with 5 cattle head, all together for a total value of USD 4,500.

21. Consequently, subject to the Trial Chamber's decision on the matter, only one beneficiary still needs to receive cattle.

3. Other remaining IGAs

22. Upon receipt of the requested information from the LRV regarding his clients' choices,²⁸ the Trust Fund served two beneficiaries on 4 October 2021, four beneficiaries on 5 October 2021, and two more beneficiaries on 19 October 2021, with various products for a total value of around USD 14,100.

23. Two more beneficiaries, both on behalf of whom the LRV currently plans to submit a request for resumption of action as they are deceased,²⁹ may, subject to the Trial Chamber's decision on the matter, receive various products.

²⁴ 19 July 2021 Update Report, paras 33-34.

²⁵ Email from the LRV to the Trust Fund on 28 September 2021 at 15.57.

²⁶ *See Demande de reprise de l'action introduite par la victime a/0195/08*, 11 August 2021, ICC-01/04-01/07-3887-Conf.

²⁷ Emails from the LRV to the Trust Fund on 28 September 2021 at 15.57 and on 1 October 2021 at 14.34.

²⁸ Email from the LRV to the Trust Fund on 28 September 2021 at 15.57.

²⁹ The dossiers in question are those of a/0217/09 and a/0273/09.

F. Housing Assistance

24. During his mission, the LRV met with beneficiaries concerned by the housing assistance modality [REDACTED].

25. The Trust Fund currently awaits the gathered information with a view of finalising the implementation planning.

26. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

G. Psychological Support

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

28. On 23 and 24 September 2021, the collective meetings which were postponed in July due to the deteriorating public health situation were organised with several groups of beneficiaries. The locally based psychologist, in the physical presence of the LRV and the Trust Fund, and with the lead psychologist via videoconference, presented and explained the pamphlet to the beneficiaries and discussed the upcoming counselling sessions with them. Beneficiaries responded positively to both the pamphlet and the counselling sessions.

29. The Trust Fund held further meetings with the lead psychologist in preparation of the training session on the management of PTSD for local persons with a background in healthcare or education who will be in charge of the counselling sessions under the supervision of the local psychologist. The training session is to take place before the end of the year, after which the counselling sessions can start.

FOR THE FOREGOING REASONS

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



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 19th of October 2021

At The Hague, The Netherlands