



Original: **English**

No.: **ICC-01/04-01/07**

Date of original: **19 April 2023**

Date of public redacted version:

20 April 2023

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

“Twelfth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims”, dated 19 April 2023, ICC-01/04-01/07-3913-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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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 2020,¹ the Trust Fund hereby provides the Trial Chamber with its Twelfth 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.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. 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 2019,³ 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](#).

² 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.

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](#).

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 2021⁹ and 19 April 2021,¹⁰ where it described the progress made and its proposed planning in relation to the four collective reparations awards ordered by the Trial Chamber,¹¹ 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,¹² of a proposed alternative method of implementation for the purchase of fish,¹³ of the implementation of reparations in relation to motorcycles, fuel and various products,¹⁴ of a proposed alternative method of implementation of the housing assistance modality¹⁵ and of an implementation proposal related to the psychological support modality.¹⁶

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](#).

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](#). ("Third quarterly update report, 19 January 2021").

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

¹² 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.

¹³ 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.

¹⁴ 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.

¹⁵ 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.

¹⁶ 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.¹⁷

5. On 5 May 2021, the Trial Chamber issued a decision (“Decision of 5 May 2021”),¹⁸ 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.¹⁹

7. The Trust Fund also recalls its quarterly update reports on the implementation of collective reparation awards submitted on 19 July 2021,²⁰ 19 October 2021,²¹ 19 January 2022,²² 19 April 2022,²³ 19 July 2022²⁴ and 19 October 2022.²⁵

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

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

¹⁹ 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.

²⁰ Fifth quarterly update report, 19 July 2021.

²¹ 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](#).

²² 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”).

²³ 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”).

²⁴ 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”).

²⁵ Tenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2022, [ICC-01/04-01/07-3907-Conf](#) (“Tenth quarterly update report”).

8. The Trust Fund submitted its latest quarterly update report on the implementation of collective reparation awards on 19 January 2023.²⁶

IV. REGULATION 58 UPDATE REPORT

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

A. Security Situation

10. During the reporting period, the security situation in eastern DRC remained volatile and unpredictable. On 13 April 2023, the DRC Government authorised the extension of the state of siege in the provinces of Ituri and North-Kivu.

11. The security in the areas where the Trust Fund is currently operating has not presented any improvement and an increase of violence between the different armed groups operating in the region is noticeable.

12. Increasing and persistent attacks against civilians attributed to the *Coopérative pour le développement du Congo* (CODECO) and the Allied Democratic Forces (“ADF”) have also been reported, including the killing of 32 civilians in Ituri province.²⁷ The killing of at least 36 people was reported to have taken place in the village of Mukondi as part of an attack that has been attributed to the ADF.²⁸

13. As set out previously and consistently, the Trust Fund cannot provide authoritative reports on the security situation but is basing its assessment of the security situation on the information provided regularly by the Court’s analysts on the security situation in Ituri Province and the Eastern DRC and also otherwise benefits from the Registry’s security advice. The above-provided information serves at informing the Trial Chamber through publicly available sources as to the general security situation in Ituri Province and neighbouring provinces as applicable.

²⁶ Eleventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2022, [ICC-01/04-01/07-3908-Conf](#) (“Eleventh quarterly update report”).

²⁷ “At least 32 civilians killed in eastern Congo, says the U.N.”, *Click on Detroit*, accessible at <[At least 32 civilians killed in eastern Congo, says the U.N. \(clickondetroit.com\)](#)>

²⁸ “At least 36 killed in eastern DR Congo attack”, *Aljazeera*, accessible at <[At least 36 killed in eastern DR Congo attack | News | Al Jazeera](#)>

B. Public Health Situation

14. 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 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

15. As reported in the Seventh,²⁹ Eighth,³⁰ Ninth,³¹ Tenth³² and Eleventh³³ quarterly update reports, only one beneficiary is still to benefit from the modality of income-generating activities. The purchase procedure for motorcycles needed to start anew and is now underway. As mentioned in the previous reports quoted above, as soon as feasible, the motorcycles required for the income generating activities will be ordered and thereupon delivered to the beneficiary, after contacting the LRV in this respect, once the Trust Fund receives the LRV's confirmation on the selection of the motorcycles desired by their client.³⁴

D. Housing Assistance

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

²⁹ Seventh quarterly update report, 19 January 2022, para. 9.

³⁰ Eighth quarterly update report, 19 April 2022, para. 13.

³¹ Ninth quarterly update report, 19 July 2022, para. 14.

³² Tenth quarterly update report, 19 October 2022, para. 13.

³³ Eleventh quarterly update report, 19 January 2023, para. 14.

³⁴ Emails sent by the Trust Fund to the LRV on 13 April 2023 at 10.20 am and 19 April 2023 at 1.06 pm.

E. Psychological Support

21. The psychologists' team held a meeting with all facilitators of psychological support on 4 March 2023 in order to make a summary of the psychological support implementation during the past three months.

22. During the reporting period, under the close supervision of the psychologists' team, the locally based resource persons in charge of providing counselling sessions have continued providing services tailored to the needs of beneficiaries. In addition to this, the counsellors have continued attempting to contact those victims who were still unreachable.

23. As reported by the Trust Fund in its Eleventh Update Report,³⁵ the locally based resource persons in charge of providing counselling sessions have, as a first step in approaching the reparations beneficiaries, contacted them or attempted to contact them by phone in order to update, if applicable, their address so as to make an appointment for a home visit. The second step was for the counsellors to meet the victims in person, explain to them the benefits for the intervention, the principles pertaining to it and the need to have several appointments. When the victim stated that they wished to participate in the programme, a further appointment was immediately made to assess the person's condition using the relevant questionnaire, which was thus a third step. The fourth step was the counselling of beneficiaries upon an analysis of the questionnaire by the counsellors. As a fifth step, at the end of the 3-month intervention, the victims were again submitted to the above-mentioned questionnaire in order to assess the impact of the intervention. By 26 March 2023, the psychologists' team was still missing the scores for 8% of the victims who have not yet undergone the post-intervention assessment.

24. Concerning the above-mentioned first step, as reported previously,³⁶ a number of beneficiaries could not be reached at all, whilst some refused to receive psychological support from the counsellors.

25. On 26 March 2023, the psychologists' team has submitted to the Trust Fund a final report on the implementation of psychological support as part of the *Katanga* reparations, which the Trust Fund is still in the process of evaluating.

³⁵ Eleventh quarterly update report, 19 January 2023, para. 25.

³⁶ Eleventh quarterly update report, 19 January 2023, para. 25.

26. To already give an indication of the contents of this report, the psychologists' team reported to the Trust Fund that locating victims took more time than previously anticipated and that the psychologists' team had to put in additional efforts to be able to locate some beneficiaries who had changed their contact details.

27. Similarly, the psychologists' team reported to the Trust Fund that setting up and keeping appointments was not an easy task and beneficiaries were often emotionally unstable.

28. The lack of knowledge about mental disorders resulted in many beneficiaries demanding care for conditions that were not within the remit of the counsellors, such as physical conditions, and it was sometimes difficult for counsellors to inform the beneficiaries that only psychological support was being addressed as part of the reparations, and not physical rehabilitation.

29. Some victims who had previously requested for other or additional types of reparations that have eventually been decided not to be awarded to them accused some counsellors of using the funds raised by the Trust Fund as part of the reparations in the present case to their own benefit, to the detriment of the former.

30. [REDACTED]

31. The psychologists' team also reported that six victims whom the counsellors had not been able to locate themselves approached them to receive psychological support. Three counsellors have responded positively to the victims' requests.

32. Furthermore, as reported in the Eleventh Update Report,³⁷ it has also been reported to the Trust Fund that the deteriorating security situation had undermined the positive effect of some interventions.

33. The psychologists' team also reported difficulties pertaining to a lack of understanding on the part of some beneficiaries with regard to funds that may have not yet been disbursed to them, and to which they would still be entitled to. This derives from a misunderstood broadcast from November 2022 pertaining to a visibility mission of the Trust Fund together with three Ambassadors stationed in Kinshasa, DRC. A similar issue has also been mentioned to the Trust Fund by the LRV on 2 December 2022, more specifically in relation to an article that had been published and that contained unclear information which might have suggested that more victims

³⁷ Eleventh quarterly update report, 19 January 2023, para. 25.

(of crimes committed in Ituri during the 2000 to 2003 period) than those determined to constitute victims by the Trial Chamber may also be awarded reparations.³⁸ The Trust Fund took measures to rectify any such information that might have been misunderstood by some beneficiaries, including by further clarifying these points with beneficiaries in a recent radio and television broadcasts during a recent mission of the Acting Executive Director to Ituri Province, reiterating once again the exact amount of reparations due to victims as part of the *Katanga* reparations.³⁹

34. In spite of the above mentioned challenges, the psychologists' team reported in their final report submitted to the Trust Fund and in a meeting held on 28 February 2023 with the Trust Fund that the interventions carried out by the facilitators as part of the implementation of the *Katanga* psychological support had a very positive impact overall. In general, 78% of victims experienced a reduction in the relevant score; and 34% fell below the morbidity threshold of 31, thereby representing a considerable reduction in PTSD symptoms.

35. The Trust Fund wishes to reiterate its gratitude for the LRV's support in allowing for the success of the implementation of this modality and for the LRV's valuable insight.⁴⁰

36. The Trust Fund also reiterates that it will continue to closely monitor the implementation of this modality as much as needed.⁴¹

F. Evaluation

37. As previously indicated in the Ninth quarterly update report, the evaluation activity conducted by an external party contracted by the Trust Fund is coming to an end.⁴²

38. [REDACTED]

39. In accordance with its previous commitment in this respect, the Trust Fund reiterates that it will report to the Trial Chamber on the evaluation's findings in due course.⁴³

³⁸ Emails sent by the LRV to the Trust Fund on 2 December 2022 at 2.19 pm and on 7 March 2023 at 12.54 pm.

³⁹ See also email sent by the Trust Fund to the LRV on 2 December 2022 at 5.15 pm.

⁴⁰ See e.g. Email sent by the LRV to the Trust Fund on 7 March 2023 at 12.54 pm.

⁴¹ See also Eleventh quarterly update report, 19 January 2023, para. 28.

⁴² Ninth quarterly update report, 19 July 2022, para. 32.

⁴³ Ninth quarterly update report, 19 July 2022, para. 32.

G. Closing ceremony

40. The Trust Fund is currently working on organising a closing ceremony to mark the end of the implementation of the *Katanga* reparations. The Trust Fund intends to organise the ceremony in accordance with the wishes expressed by the victims and has reached out to the LRV in this respect and intends to hold a meeting with the LRV to discuss this in greater detail shortly.⁴⁴

41. The Trust Fund commits to informing the Chamber of the progress made in this respect in due course.

FOR THE FOREGOING REASONS

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



Franziska Eckelmans
Acting Executive Director of the Trust Fund for Victims

Dated this 20th of April 2023

In The Hague, The Netherlands

⁴⁴ Email sent by the Trust Fund to the LRV on 6 April 2023 at 4.11 pm.