

# Annex C



THE UNIVERSITY  
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INNOVATIONS

EVALUATION OF THE EFFECTS OF THE REPARATIONS ORDERED  
BY THE INTERNATIONAL CRIMINAL COURT AND IMPLEMENTED BY  
THE *TRUST FUND FOR VICTIMS* IN THE CASE OF THE  
PROSECUTOR AGAINST GERMAIN KATANGA

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External Evaluation Commissioned by



**Fonds au Profit des Victimes**  
**The Trust Fund for Victims**



## INTRODUCTION

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This report is an external independent evaluation led by a research team from the University of Edinburgh via Edinburgh Innovations, the university's commercialisation service. It was commissioned by the Trust Fund for Victims (TFV) in 2021, following a public Request for Proposal (ICC RFP 126079). The research team was led by Jean-Benoît Falisse (University of Edinburgh) and Simeon Koroma (University of Edinburgh) and, in Ituri, by Georges Nyembo Bilauri (*Centre Multidisciplinaire de Recherche en RDC*) and Amuda Baba (*Institut Médical Supérieur de Bunia*; see appendix for details on the team). Inanga Consulting also supported the team.

According to the scope of work, the TFV sought to assess the effectiveness of its reparations programme and its impact on the lives of victims in addressing the harm they suffered, in alignment with the Reparations Order and the TFV's implementation plans. In addition, the evaluation was also to contribute to establishing institutional knowledge about the reparations implementation process to inform ongoing and future reparation efforts.

The independent researchers evaluated the TFV reparations programme in the case Prosecutor v. Germain Katanga and additional TFV programmes, which will be presented in separate reports.

The research work in the Democratic Republic of the Congo was mainly conducted between October 2022 and January 2023, before the reparations implementation was completed in October 2023. The housing modality, a number of remaining income-generating activity-related items, and the psychological support modality still required full implementation at that point in time.

TFV staff provided comments on the report. In addition, a group of external academic experts on reparations provided recommendations upon a presentation of the findings in October 2024.

The main findings were presented to the TFV Board of Directors in June 2024, to the ICC judges in November 2024, and at side events during the Assembly of States Parties at their sessions of December 2022 (preliminary findings) and 2024.

This report has been made public as an appendix in the TFV's final report on the reparation implementation to the Trial Chamber.

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## **ACKNOWLEDGEMENTS**

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This report is only possible because the victims in the Katanga case and their neighbours and communities agreed to meet with us and share their stories. We are extremely grateful to them for their time, confidence in, and patience with us, and we are delighted that the report, which they insisted they wanted the world to read, is becoming publicly available. We also wish to thank all the research participants who agreed to meet with us, including key stakeholders in the Democratic Republic of the Congo, ICC staff from various sections, civil society members, and local leaders.

This report was commissioned by the Trust Fund for Victims (TFV), and we are grateful to the whole team in The Hague and Bunia Bunia for supporting us in doing our research while at the same time fully respecting and never compromising its independence. Egidie Murekatete, as Monitoring & Evaluation Advisor, was our primary contact at the TFV. She kindly and patiently facilitated our connections with key parties and access to crucial documentation at the International Criminal Court.

Finally, we are indebted for the recommendations and inputs provided by the group of academics working on reparations and the region who engaged with our presentation and discussion of key findings in October 2024. At Inanga Consulting, Trevor Krayner and Manoëlle Koninckx supported the initial stages of the research and Julien Moriceau provided insightful feedback throughout the process. In Edinburgh, Toby Kelly, Gerhard Anders, Michell Burgis-Kasthala and Ian Russel formed an attentive and supportive steering committee for the research.

All errors and inaccuracies remain ours.

## **ACRONYMS**

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DIP: Draft Implementation Plan (of the reparations programme)

DRC: the Democratic Republic of the Congo

FRPI: *Forces de Résistance Patriotique d'Ituri*

HHI: Harvard Humanitarian Initiative

ICC: International Criminal Court

IGA: Income Generating Activity

LRV: Legal Representative of the Victims (Legal Counsel)

NGO: Non-Governmental Organisation

OPCV: Office of Public Counsel for the Victims of the International Criminal Court

TFV: Trust Fund for Victims at the International Criminal Court

VRPS: Victims Participation and Reparations Section within the ICC Registry

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## EXECUTIVE SUMMARY

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On 24 February 2003, the village of Bogoro in the present-day province of Ituri in the eastern Democratic Republic of the Congo was attacked by elements of the *Forces de Résistance Patriotique d'Ituri* (FRPI) led by Germain Katanga. The armed assault led to the death of scores of civilians, including children, and the destruction of property. The International Criminal Court (ICC) sentenced Mr Katanga to twelve years imprisonment on 23 May 2014. After a reduction of this sentence, his imprisonment ended on 18 January 2016. On 24 March 2017, ICC Trial Chamber II issued a Reparations Order against Mr Katanga, amounting to USD 1 million for individual and collective reparations to victims of the Bogoro attack. These reparations, the first ever implemented by the ICC, included (a) a monetary award of USD 250 to each of the 297 victims confirmed by the Court, (b) collective reparations tailored to specific needs and distributed according to five pre-determined categories based on the severity of harm and type of loss, and (c) psycho-social support. Victims could choose and change among options for the collective reparations, including support for education, housing, and livelihoods.

The present report seeks to understand the impact of the reparations on the victims, focusing on the reparations programme beneficiaries (hereafter “beneficiaries”) residing in Ituri at the time of the research. The main research question was: “have the reparations “strengthened [beneficiaries’] ability to cope with livelihood, financial, and psychological trauma” with the goal of “remedying the harms that the victims suffered from Mr Katanga’s crimes,” as set out in the TFV’s Draft Implementation Plan (DIP) based on the Reparations Order.

### Methodology

A mixed-methods approach was used to understand the victims’ experience of the reparation process and the effects it may have had on their lives. It combined a representative survey with 889 individuals and 40 interviews and focus group discussions in and around Bogoro, Bunia, and Kasenyi. In both methods, the research entailed meeting reparations programme beneficiaries and non-beneficiaries. The latter group was important for two reasons: (1) it provided additional information about the local perception and reception of the reparation process, and (2) it constituted a much-needed comparison group when interrogating the effects of the reparations. The data was complemented by another 26 interviews with key stakeholders involved in the reparation process (primarily TFV and ICC staff) and local leaders.

### Key findings: profiles of the beneficiaries

The study found that the beneficiaries, like many in Ituri, lived in difficult socio-economic conditions. Their lives remained marked by violence; when asked if they had experienced violence since 2010, 44% reported having lost a relative to armed group violence. 18% still considered themselves forcibly displaced at the time of the survey, and 38% reported having been displaced at some point after 2003. The survey and interviews revealed strong suspicions of significant mental health issues. There was a general sense of resignation among many research participants. Faced with widespread inaction, many turn to faith.

### **Key findings: engagement with the reparation process**

At a broad level, there was a fair level of satisfaction among beneficiaries when asked whether the process was useful, brought justice, and achieved reparation. The general sentiment was positive, with some caveats. A key factor noted by many victims was that the trial and the repeated engagements during the reparation phase helped provide a sense of justice through the recognition of their injury, which no domestic or aid-led initiative had achieved.

The most common view was that such justice remained incomplete because of expectations of further reparations and, more importantly, ongoing insecurity. Justice was achieved for a second, smaller, group of beneficiaries (as their loss was recognised). There was no sense of justice or reparation for a third, even smaller group; they believed their loss was too significant or felt the conditions for properly recognising their loss were not in place.

### **Key findings: effects of the reparations**

To assess the effects of the reparation process, we compared the beneficiaries with non-beneficiaries who suffered similar harm at a similar time (but did not benefit from reparations or even a judicial process). Interviews and focus group discussions complemented this work.

Overall, the effects of the reparation process on income-generating activities and income appear limited; the goods provided were often used or sold to smooth consumption and absorb shocks in a context still marred by violence. Beneficiaries were slightly less likely than non-beneficiaries to resort to extreme measures to make ends meet and were slightly less food insecure. Survey data show that beneficiaries were less likely than non-beneficiaries to say their situation has deteriorated compared to ten, five, and one year ago. In some cases, the reparations helped restore a sense of social status and dignity.

There is a clear sense that the reparation process, even before the implementation of its psychosocial component, helped victims cope with loss and trauma. Victims highlighted the importance of having their harm recognised, the perpetrator of their harm condemned, and receiving support for daily life. The survey showed that beneficiaries experienced a higher locus of control (belief in their control over their lives), sense of self-efficacy (belief in their ability to succeed), and optimism about the future than non-beneficiaries. They were also less likely to exhibit some symptoms of depression.

The data suggests that social life was also affected by the reparations. Beneficiaries often reported feeling a sense of community due to the process. Compared to non-beneficiaries, they tended to be more involved in associations and declared themselves happier than average. However, there is no evidence that they developed more social connections, accessed social services more, or that gender roles changed. Overall, the main impact on social life is likely that beneficiaries appear to trust core institutions -the judiciary, government, and international actors- more than non-beneficiaries. These institutions are generally not highly trusted, and the reparations may have improved the situation.

### **Key reflection points**

A few other reflection points emerge from the research.

Firstly, there is an apparent tension between breadth—covering many direct and indirect victims—and depth—providing bespoke reparations. The relative success of the Katanga reparations seems to hinge at least in part on their small scale and at the expense of broader coverage, creating some frustrations in the wider population.

Secondly, the case invites further consideration of the nature of reparations. The absence of collective reparations addressing the community as a whole was a source of frustration, and some of the goods distributed were quickly sold. The ability for victims to choose among reparation options was a strong point of the programme. These findings raise challenging questions about the most appropriate reparation modalities, echoing ongoing debates about international aid and social protection.

Thirdly, the research suggests that reparations should be considered as starting with the initial engagement with victims, even before the trial (and with the trial an integral part of the reparation process). The expectations of many victims for more reparations also raise questions about the possibility of achieving closure.

Lastly, while the reparations are viewed positively and seem to have a beneficial impact, especially since many feel that only the ICC/TFV is supporting them, it is clear to most research participants that justice and reparation will only be fully realised when peace returns to Ituri.



## I. INTRODUCTION: THE KATANGA CASE BEFORE THE ICC

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On 24 February 2003, the village of Bogoro, located a dozen kilometres south of Bunia, the capital of the present-day province of Ituri in the eastern part of the Democratic Republic of the Congo (DRC), was attacked by elements of the *Forces de Résistance Patriotique d'Ituri* (FRPI) led by Germain Katanga. The armed assault led to the death of scores of civilians, including children, and the destruction of property. Following the issue of an arrest warrant by the International Criminal Court (ICC), Mr Katanga, whom the DRC government had already arrested, was transferred to The Hague, the Netherlands, into ICC custody in October 2007. In the ensuing seven years and based on a judicial process in which Mr Katanga benefitted from legal counsel, he was tried and found guilty as accessory of one count of crimes against humanity and four counts of war crimes, namely, murder, attacking a civilian population, destruction of property and pillaging. He was sentenced to twelve years imprisonment on 23 May 2014. In December 2015, eight years after being transferred to The Hague to stand trial, Mr Katanga was sent to the DRC. The ICC's term of imprisonment imposed on Mr Katanga ended on 18 January 2016.

On 24 March 2017, ICC Trial Chamber II issued the 'Order for Reparations' against Mr Katanga in the amount of one million United States Dollars (USD 1,000,000), awarding both individual and collective reparations to victims of the Bogoro attack. The remainder of this section provides more details about the nature of the ordered reparations, the main actors involved, and the implementation timeline.

### I.1. The reparations

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#### **Background**

Article 75 of the Rome Statute, the treaty that founded the International Criminal Court (ICC), gives the ICC the authority to establish principles relating to reparations to victims, including restitution, compensation, and rehabilitation. The provision also allows the Court to order those reparations be made to or with respect to victims, including through the Trust Fund for Victims (TFV). The TFV is provided for under Article 79 of the Rome Statute and was established by the Assembly of States Parties in 2002 to support and assist victims of crimes and their families within the jurisdiction of the Court. Specifically, the TFV was created to implement two mandates: (a) the reparations mandate to implement Reparations Orders of the ICC (which is the focus of this report) and (b) a mandate of programmes for the benefit of victims at the ICC situation level, referred to until 2023 as assistance mandate. The reparations mandate of the TFV is a crucial component of the ICC's framework, emphasising the Court's commitment to addressing the consequences of serious crimes on victims. This mandate allows the TFV to provide reparations to victims of crimes under the ICC's jurisdiction, including genocide, crimes against humanity, war crimes, and crimes of aggression. The Court-ordered reparations process is guided by principles of justice and dignity for victims, aiming to acknowledge and redress the harm suffered, in particular by promoting healing and rehabilitation.<sup>1</sup>

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<sup>1</sup> See applicable legal sources on reparations for victims at the ICC: e.g. Rome Statute, art. 75 and art. 79; Rules of Evidence and Procedure, rule 94; Regulations of the Trust Fund for Victims, as well as the reparations principles established by the ICC's jurisprudence.

## The Katanga Reparations

On 24 March 2017, Trial Chamber II, composed of three international judges and presided over by Judge Marc Perrin de Brichambaut, delivered a Reparations Order against Germain Katanga, awarding 297 of 341 applicants with a symbolic payment of USD 250 per victim as individual reparations. It also awarded four modalities of collective reparations comprising the following: education assistance, housing assistance, income-generating activities, and psychological rehabilitation. The reparations were ordered only for harm for which a causal nexus with the crimes for which Mr Katanga was convicted was ascertained. They did not cover physical and psychological harm resulting from rape or sexual slavery or the conscription or use of children under the age of 15 years in the armed forces, given that Mr Katanga had been acquitted of those crimes.

The Trial Chamber assessed the harm by evaluating each individual case, initially using applications detailing the harm each victim had suffered. These claims were reviewed for accuracy and verifiability, relying on a range of evidence, including statements from local leaders and NGOs, to establish the broader impact of the attack. Expert assessments from psychologists, economists, and forensic specialists further supported the evaluation of harm's extent and long-term effects. To quantify the harm, the Trial Chamber used evidence-based valuation and approximations where precise values were unavailable. It calculated the average cost of rebuilding or replacing assets based on local construction and market rates. Livelihood losses, including destroyed crops or livestock, were valued using market prices at the time of the crimes, factoring in the duration of economic disruption. For psychological harm, the cost of counselling and psychological rehabilitation was used as a proxy (for a comprehensive discussion of the methodology used in assessing harm and awarding reparations, see Sperfeldt 2022)

The Reparations Order in the *Katanga* case was issued two years after the amended Order for Reparations delivered by the ICC Appeals Chamber in the case of *The Prosecutor v. Thomas Lubanga Dyilo* on 3 March 2015. The *Lubanga* Order, in line with article 75 of the Rome Statute requiring judges to establish reparations principles, determined that such principles are: (1) respect for victims' dignity, (2) fair treatment and non-discrimination, (3) victims' right to participate in the procedure, (4) right to confidentiality and protection, and (5) consideration of different individual needs, and accessibility of reparation measures according to vulnerability.<sup>2,3</sup>

Mr Katanga was deemed indigent and unable to meet the financial obligations of reparations. As part of the Reparations Order, the Trial Chamber II invited the TFV to complement the payment of the Reparations Order.<sup>4</sup> On 25 July 2017, the TFV filed with Trial Chamber its Draft Implementation Plan (DIP), which was the result of months of victims' consultations together with the legal representative of victims (LRV) as well as intense engagement within the TFV and with other parts of the ICC. The DIP underwent

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<sup>2</sup> ICC-01/04-01/06-3129-tFRA (especially p. 24-97).

<sup>3</sup> Also note a set of principles applicable to states as per 2005 Principles: "restoration to the previous state through restitution (largely illusory and sometimes undesirable); compensation through indemnity; rehabilitation, readaptation, reintegration into society; satisfaction (recognition of the perpetrator's guilt and victim status), and the non-repetition of crimes in the future". See Taxil, B., 2023. *Réponse à la consultation publique lancée par le Bureau du Procureur de la Cour pénale internationale en vue de réviser et de compléter son Document de Politique générale relative aux enfants publié en 2016*

<sup>4</sup> Note that the Order was unsuccessfully appealed by Mr Katanga (see the full timeline of events in the appendix for more details).

numerous iterations following further and ongoing submissions from the TFV and different parties until 2021, and is the central document that effectuates the Reparations Order of 24 March 2017—despite it kept being referred to as a ‘Draft’ Implementation Plan throughout the entire process. Upon the filing of the DIP, the TFV also informed the Trial Chamber that the Board of Directors decided to complement the payment of the Reparations Order at the full value of USD 1 million.

The proposals of the DIP applied the individual monetary award decided by the Trial Chamber for the amount of USD 250 in cash to each of the identified 297 victims, while the collective reparations consisted of a package of in-kind items decided based on a value calculation of five categories, based on severity of harm and/or content of loss. As a result, not every victim received the same collective reparation package (see table below for details). The term ‘collective reparations’ thus takes a peculiar meaning in the Katanga case: they are effectively in-kind, individualised (as opposed to group) benefits, addressed and tailored to the loss and preferences of specific individuals. The Chamber articulates this distinction in the Order for Reparations.<sup>5</sup>

**Table 1** Categories of victims and amount available for each (as of 9 February 2022)

Category	DRC victims	resettled victims	USD available per DRC victim
Loss of home, livestock, psychological harm	127	8	\$4,367.43
Loss of home (or equivalent material loss), psychological harm	71	5	\$3,702.42
Loss of family member (and minor material loss), psychological harm	59	8	\$1,782.00
Loss of personal affairs	1	5	\$1,182.00
Psychological harm	8	5	\$582.00

Source: ICC-01/04-01/07-3811-AnxA 09-02-2022 (reclassified as “Public”)

The details and reasoning for categorising victims are well articulated in the DIP, which states its overarching goals in accomplishing the individual and collective reparations as follows:

“[To] provide victims with a strengthened ability to cope with the livelihood, financial, and psychological trauma caused by Mr Katanga’s crimes and their aftermath, as well as to ensure that the victims of Mr Katanga’s crimes receive meaningful and tangible benefits from the reparations, which are a result of judicial measures undertaken by the Trial Chamber to remedy the harms that the victims suffered from Mr Katanga’s crimes.”

A core component of the collective reparations was the possibility for each beneficiary to pick and choose the combination of collective reparations – housing, income-generating activity (IGA), and education support – they deemed more suitable to them and to amend such choice during the reparation process (which took some time as we highlight later in this section). They also had the option of changing the nature of said collective reparation; for instance, the IGA took different forms ranging from providing cattle to skills training. Some victims changed their preferences numerous times. The psychological support was eventually made available to all beneficiaries that could be reached. While beneficiaries could choose not to participate, they could not swap such

<sup>5</sup> Ordonnance de réparation en vertu de l’article 75 du Statut, ICC-01/04-01/07-3728, paras. 270-280.

benefit for another type of collective reparation. The psychological support intervention was conducted in the last year of the programme and falls outside the scope of this evaluation.

## 1.2. The ICC reparation regime

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The introduction of the reparations regime in the Rome Statute creating the International Criminal Court (ICC), while not universally acclaimed (see, for example, McKay 2000; Muttukumaru 1999), was heralded as an innovative stamp on a victim-centred approach to justice and individual responsibility for violations of human rights and humanitarian law (Bottigliero 2004; Dwertmann 2010; Moffett 2017). Scholars and commentators described the reparations as important for the positive perception of the ICC (Fischer 2003; Lasco 2003) and the Court itself acknowledged that its success may be interlocked with reparations—as the Pre-Trial Chamber in the Lubanga case admitted: “...In the Chamber’s opinion, the success of the Court is, to some extent, linked to the success of its reparation system” (ICC-01/04-01/06-8).<sup>6</sup> Two decades on, and with multiple reparations decisions issued by the Court, the ideal of reparations is now met with the reality of deciphering the court’s approach, implementing reparations, and assessing the lived experiences of victims.

The historical journey of reparations in international law is well documented (Bassiouni 2006; Evans 2012; Laplante and Holguin 2006; Letschert and Parmentier 2014; Rombouts and Parmentier 2009), including its recognition and formal adoption by the United Nations. Beginning in the mid-1980s with the UN General Assembly’s Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>7</sup> interest in victims’ rights has been widely covered in the UN through resolutions.<sup>8</sup> Outside the UN, reparations have long been included in the proceedings of national and human rights regional courts such as the Inter-American Court of Human Rights and the European Court of Human Rights (for a discussion of the different approaches, see Balta, 2020). The Extraordinary Chambers in the Courts of Cambodia also issued (non-binding) orders for more reparations of moral character. Reparations have also been employed in non-judicial proceedings as part of post-conflict transitional justice, such as Truth Commissions or national reparations programmes (De Greiff 2006; Evans 2012).

The rationale for the adoption of reparations in the ICC Statute and Rules was clear: allowing victims based on reparative justice and other principles developed by the Court, to claim reparation for war crimes and crimes against humanity (Dwertmann 2010; McKay 2000; Moffett 2017). The specific forms and modalities the reparations take and how they satisfy both the Court’s mandate and victims’ rights have varied in the cases before the Court to date. This, in turn, has elicited scholarship dedicated towards the Court’s approach to reparations, covering some of the key challenges faced in practice such as conceptual ambiguities, resource considerations, and victims’ participation (Balta 2020; Letschert and Parmentier 2014; Moffett 2014; Muttukumaru 1999). Few have addressed the lived experiences of victims and beneficiaries within the new realities of the actual implementation of reparations. This is connected to the fact that the first-ever implementation of reparations, in the Katanga case, only concluded in

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<sup>6</sup> ICC-01/04-01/06 (annexed to ICC01/04-01/06-8-Corr, 24 February 2006), para. 136

<sup>7</sup> G.A. Res. 40/34, U.N. GAOR, 40th Sess., Annex, U.N. Doc. A/RES/40/34 (1985).

<sup>8</sup> *Basic Principles and Guidelines on the Right to a Remedy and Reparation for the Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, United Nations General Assembly Resolution 60/147, 16 December 2005.

October 2023, with two others—Lubanga and Al Mahdi—in their final stages of implementation and two others—Ntaganda and Ongwen—in the early stages of implementation.

### 1.3. Key actors

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A diverse group of actors with varied responsibilities has been involved in implementing reparations. This report explores the roles of these actors. The key institutions and individuals involved in the implementation phase of reparations in the Katanga case are the following:

**The victims** are designated by the Trial Chamber as the beneficiaries of the reparation process. A key question that our report explores is the extent to which they were able to shape and steer the process in line with victims-centred approaches (as opposed to a situation where they would only be the mere recipients of reparations).

**(Judges in) Trial Chamber II:** ICC judges are international judges elected by the Assembly of States Parties and constituted in judicial Divisions. In both the trial and reparations proceedings, the Trial Chamber played a key role in setting off the implementation process and ensuring accountability throughout. As one of the judges explained to us: “Our role is to hold the balance between different parties and to make sure our [Reparations] Order is fully implemented.” Throughout the Katanga reparations, the Chamber has maintained a hands-on oversight.

**Legal representatives of victims (LRV):** legal representatives represent the interests of victims. During trial and reparations proceedings, they represent victims admitted to participating in the proceedings by the Court. During the implementation of reparations, they represent all or some of the victims who are determined to be beneficiaries of reparations. For the Katanga case, 297 victims were determined to be beneficiaries of reparations by the Court in the Reparations Order, and they were distributed between two groups of legal representatives. The first was an external counsel who represented participating victims and who, during the implementation, also represented 283 of the 297 beneficiaries. The second was the Principal Counsel of the ICC’s Office of Public Counsel for Victims (“OPCV”), appointed by the Trial Chamber II on 15 March 2017, less than two weeks before the Reparations Order was issued. She was tasked with representing the remaining 14 victims. Both legal representatives provided input on the Draft Implementation Plan and filed regular submissions on implementation on behalf of the victims.

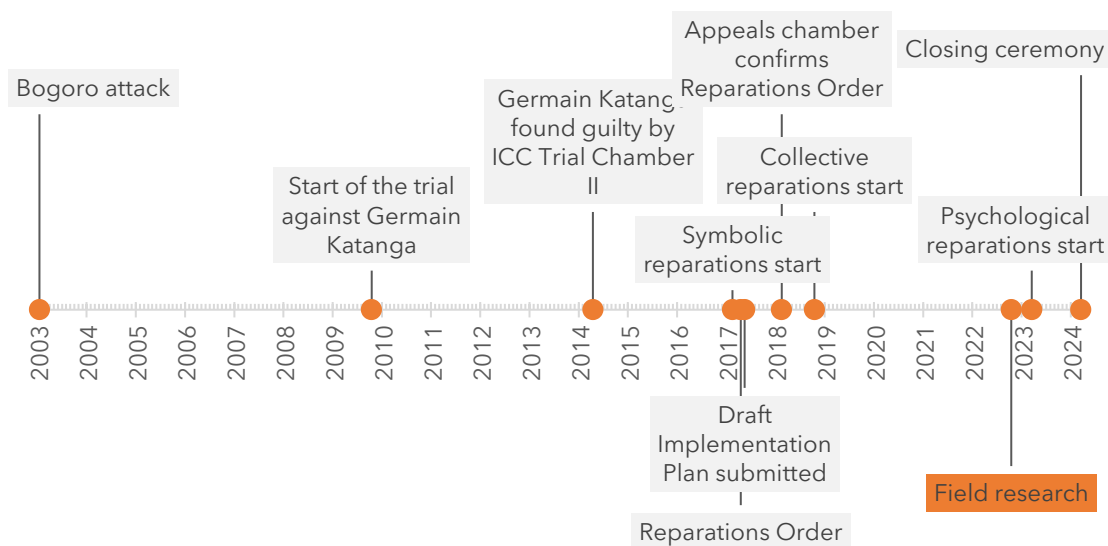
**ICC Trust Fund for Victims (TFV):** Established by the Assembly of State Parties, it comprises a five-person Board of Directors supported by a Secretariat. It mobilises and manages voluntary contributions and is the entity responsible for the implementation of reparations. Its mandate includes developing, planning and executing programmes that directly address the harm suffered by victims, overseeing the financial resources set aside for reparations, and communicating and working with victims, with the support of their legal counsel, to understand their needs. The TFV develops implementation plans—reparations implementation roadmaps—in consultation with other parties. As part of implementing the Reparations Order and implementation plan, the TFV works with the Chamber and other institutions of the ICC. It provides quarterly reports to the Chamber on the status of reparations implementation and other incidental issues. In the Katanga case, the delivery was through a ‘direct implementation’ approach, which means that the

activities to deliver the reparations to the Katanga victims were undertaken by TFV staff, as opposed to being contracted via partner organisations.

**The Registry:** Comprising different divisions—Judicial Services, External Operations, and Management Services—the Registry plays a substantial role in reparations. Notably, the Victims Participation and Reparations Section (VPRS) identifies victims and assesses losses. Additionally, the Registry serves as an administrative authority, handling procurement, travel, security, and contracting for various sections of the Court.

#### I.4. Timeframe

Germain Katanga was the tenth person to be indicted by the ICC and the second one to be transferred to the ICC (after Thomas Lubanga). The investigation phase, which started on 21 June 2004, less than a year and a half after the attack (committed on 24 February 2003), culminated in the arrest warrant issued on 2 July 2007. Germain Katanga had already been arrested by the DRC authorities by that time (for two years) and was soon transferred to the ICC. It was also around then that (some) of the victims first got in contact with the ICC. The pre-trial and trial processes lasted 7 years (18 October 2007 until 7 March 2014).



**Figure 1** Abridged timeline - the time of the field research is in orange

The Reparations Order was issued on 24 May 2017, and in November of that same year, the Trust Fund for Victims delivered the first disbursements of the symbolic award of USD 250.<sup>9</sup> While it was a relatively fast turnaround between the Reparations Order and the first symbolic payments, the main part of the reparation (financially speaking), the collective reparations, would not start before 2019 – five years after the verdict and 16 years after the crimes, save for first trimester payments towards education assistance in October 2018 and the collective reparations for 31 victims residing outside Ituri also in

<sup>9</sup> ICC-01/04-01/07, 4 December 2017: Report on the Trust Fund’s execution of the payment of the individual reparations awards and additional information regarding the implementation of the collective reparations awards in compliance with Trial Chamber II’s decision of 12 October 2017, paras. 27-28.

2018.<sup>10</sup> During those five years, the draft reparation implementation plan was challenged by different parties and revised by the TFV, with the Chamber examining and approving any change. The TFV and legal representatives engaged the victims to give their opinion on the plan and their choice of reparation methods (e.g., missions by the legal representative of the victims on 19 August 2017 - 4 September 2017, or by the TFV on 28 January - 28 February 2018, or joint missions between the TFV and legal representatives on 28 - 31 August 2018). Further, this programme operationalised, for the first time, the delivery of in-kind items at a considerably high financial value in a volatile context. A detailed timeline of the Katanga case is found in the appendix.

## **II. RATIONALE AND MOTIVATION FOR THE STUDY**

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The reparation process initiated in the case of the Germain Katanga trial was only the second of its kind to be ordered by the ICC. It is the first to be completed. While the principles underpinning reparations and the roles and mandate of the Trust Fund for Victims have been the subject of numerous reports and publications, no research has, to this date, explored the actual effects of reparations on the beneficiaries. To what extent do they provide a sense of reparation and justice as envisaged in the Statute of Rome? What sort of difference do reparations make in the lives of Rome Statute victims? Those are the questions at the core of the present evaluation.

The independent and external evaluation aims to provide evidence on the impact of the reparations and help inform future decisions on reparations design and planning. However, it remains important to remember the Katanga case's specificities. First, it was a relatively well-delineated case, with the trial focussed on the events that happened on 24 February 2003 in the village of Bogoro, a dozen kilometres south of Bunia. Second, the number of victims recognised by the Court was small compared to most other cases prosecuted by the ICC: 297 individuals in total in contrast to 3,000 to 50,000 in other cases. Third, the reparations were directly implemented by the TFV, without an implementing partner. In other programmes, the work was partially or fully subcontracted to implementing partners (typically NGOs). Fourth, the reparations entailed a victim-centred 'pick, choose & change' model that allowed beneficiaries to pick their reparations among different options and, in some cases, even change their mind during the process. The timelines of the investigation, trial, and reparations are long but not dissimilar to some other cases prosecuted by the ICC.

Data collection occurred towards the end of the reparation process, between November 2022 and January 2023. The psycho-social component had not yet been implemented, and the final formal ceremony under consideration and intended to mark the end of the TFV-led reparation process had not been organised either.

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<sup>10</sup> ICC-01/04-01/07, 6 December 2018: 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

### III. OBJECTIVES

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The study's key objective is to evaluate the effects of the reparations on the victims. The focus is, first and foremost, on the aspects described in the Draft Implementation Plan (DIP) based on the Reparations Order and mentioned earlier:

*Have the reparations indeed "strengthened [beneficiaries'] ability to cope with the livelihood, financial, and psychological trauma" with the goal to "remedy the harms that the victims suffered from Mr Katanga's crimes"?*

In our approach, we are also cognisant of legal and philosophical debates on reparations that stress ideas of "rehabilitation, re-adaptation, reintegration into society", "satisfaction (recognition of the perpetrator's guilt and victim status)", and the even more complicated "non-repetition of crimes in the future" (typically something that the Court or TFV cannot enforce or promise).

### IV. METHODS

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A mixed-methods approach was used to understand the victims' experience of the reparation process and the effects it may have had on their lives. It combines a representative survey, interviews, and focus group discussions.<sup>11</sup> In both methods, the research entailed meeting reparations beneficiaries and non-beneficiaries. The latter group is important for two reasons: (1) it provides additional information about the local perception and reception of the reparation process, and (2) it constitutes a much-needed comparison group when examining the effects of the reparations.

#### IV.1. Attribution

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The attribution question - whether any observed change can be attributed, in part or fully, to a specific intervention- is central to any evaluation. It is a challenge when evaluating the effects of reparations, too: most intended effects are social, 'political', and economic and potentially shaped by many factors unrelated to reparations.<sup>12</sup> Any change observed among the beneficiaries or differences between beneficiaries and non-beneficiaries could be due to external factors that have little to do with the reparation process, such as variations in the general socio-economic context or personal initiatives to overcome difficulties. We deploy two different and complementary approaches to try and establish a relationship between the reparations and the lives of the beneficiaries. Neither is perfect, and what we claim is, at best, a contribution of the reparations to the outcomes we describe (rather than the reparations fully explaining those outcomes).

The first approach is 'simply', to carefully listen to the people to trace the process through which the reparations may have affected the lives of victims. Process tracing is a well-established method in the social sciences (Beach and Pedersen 2019; Runhardt

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<sup>11</sup> We brought together 6-8 individuals with similar characteristics -gender and status of beneficiaries (or not) of the reparations - to gather their views on the reparation process and its outcomes.

<sup>12</sup> More than, for instance, a physical injury that can be more closely linked to medical interventions.



2021). Our approach builds on it.<sup>13</sup> It is based on qualitative interviews and focus group discussion and seeks to re-trace the different steps linking the reparation to the present-day situation of the beneficiaries. It seeks to avoid some of the typical pitfalls of retrospective interviews (e.g., attribution bias, social desirability bias, etc.) by carefully examining the different steps and factors contributing to a particular change.

The second approach is to survey an additional number of people who did not benefit from reparations but are nevertheless as comparable as possible to the group of beneficiaries. Such a group is found among people neighbouring the victims who have also been exposed to violence over time (but not the Bogoro village attack) but have not benefited from TFV interventions and, in fact, often from any form of reparation (given the high level of impunity in the region, see, for instance, Jacobs and Kyamusugulwa 2018). The hypothesis is that with the TFV reparations as the main difference between beneficiaries and the control group, different outcomes between the two groups are likely to be attributable to the TFV reparations. This hinges on the two groups being indeed similar, which we can assess by looking at a set of observable criteria collected during the survey (for criteria that are indeed observable).

Slight variations in the definition of the groups and the similarity criteria may lead to different findings, and our approach in this report has been to present our findings using the definition of beneficiaries and ‘control group’ that is, to our understanding, the strongest while showing the results of different statistical techniques that seek to ensure that the groups are indeed as comparable as possible (details are provided at the beginning of the section titled “effects of the reparations”). The appendix contains more robustness tests.

## IV.2. Survey

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A total of 889 individuals were surveyed in three sites of Ituri, where the beneficiaries are known to live (Bunia, Bogoro, and Kasenyi/Tshomia). A team of 12 trained enumerators of the *Centre Multidisciplinaire de Recherche et Développement au Congo* (CMRDC) carried out the work; they all had substantial previous survey experience working with the *Harvard Humanitarian Initiative* (HHI) in Ituri in the past decade. HHI trained the enumerators on survey methods, ethics, and safeguarding protocols when conducting surveys on peace, security, justice and reconstruction in the DRC in 2007, 2013, 2014, 2018, and 2019 (Vinck, Pham, and Baldo 2008; Vinck, Pham, and Kreutzer 2015, 2016). The Edinburgh-based lead researcher (Falisse) provided an additional 3-day training to the enumerators. It focussed on explaining the research, discussing the survey questions, and reflecting on ethics. The questionnaire was piloted before roll-out. The survey was tablet-based; we used the Kobo Collect Android application (and the KoboToolbox platform).

The data collection took place in late October and early November 2022. The enumerators first asked for permission from local authorities and, when accessing the victims and beneficiaries, were guided by local intermediaries (whose contacts were provided by the representatives of the victims – see below). They introduced themselves as independent university researchers, not as TFV/ICC staff, and explained that the

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<sup>13</sup> But slightly differs from it for practical reasons, for instance our approach did not involve research participants (in)validating processes of change suggested by other interviewees as we wanted to keep the discussions open and not to ‘frame’ them in a specific way, especially when participants may not want to openly contradict the LRV or TFV narratives.

research was focused on reparations and that no direct material benefit should be expected from participating in the survey. 31 individuals declined to participate in the survey.<sup>14</sup> The survey typically lasted 25 to 40 minutes, depending on the participant's ease of answering and responding (the questionnaire included many conditional questions that depended on earlier responses; it is available upon request to the report's authors).

The original concept note relied on comparing the beneficiaries of the Katanga TFV reparations with a 'control group' made of people living in the beneficiaries' neighbourhood but not themselves beneficiaries. In practice, the situation was more complex, and the participants in the survey can be divided into four categories.

**Table 2** Categories

	Self-identify as eligible victims	Received TFV reparations (self-reported)	Report loss / harm in 2003	Live in Bunia, Bogoro, and Kasenyi/Tshomia
<b>'beneficiaries'</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>
<b>'non-beneficiaries' / control group</b>			<b>x</b>	<b>x</b>
self-described non-beneficiary victims	x		x	x
others				x

The first category is composed of the **self-described victims** of the Bogoro attack **and direct beneficiaries** of the ICC reparation process – henceforth, 'the beneficiaries'.<sup>15</sup> A list of names of the (297) beneficiaries was not shared with us at any point in the research,<sup>16</sup> which presented a challenge. We were provided with names and contacts of intermediaries by the legal representatives. They also served as intermediaries for the legal representatives at that time and in previous years and are recognised as widely reliable. These intermediaries led us to the beneficiaries residing in Ituri Province. We had hoped that the question "are you a recognised victim of Germain Katanga? (by the ICC)" would suffice to identify the beneficiaries, but the number of individuals responding positively to the question, 369, far exceeded the number of actual beneficiaries.<sup>17</sup> This number, however, dropped to 272 people when only considering those who said that they also *received* reparations and eventually to 255 when discarding those whose prejudice did not match the timeframe of the Bogoro attack or the sort of prejudice recognised by the Trial Chamber. The main analysis, therefore, uses this group of 255 individuals. As a robustness check, we did include estimates when considering the less strictly defined group of 272 individuals—most results are unaffected by this change.

The second category is made of self-described victims of Germain Katanga who were not recognised as victims by the ICC but claimed that they should have received

<sup>14</sup> Around 4% of the people surveyed. The fact that some individuals declined to respond should be interpreted positively as it suggests that people did feel free to decline (and, therefore, that ethical guidelines were followed). By definition, we do not know anything about the profiles of the decliners.

<sup>15</sup> This is not to dismiss the possible existence of indirect beneficiaries. We return to this point in the discussion section of the report.

<sup>16</sup> The legal counsels of the victims expressed concern about the protection of their clients.

<sup>17</sup> Even when allowing for the fact that our enumerators may accidentally have interviewed multiple individuals of the same household (something quite unlikely since the survey mostly took place in the respondent's houses).

reparations. They were not surveyed purposefully, but the fact that they emerged in a survey designed to represent beneficiaries and non-beneficiaries living in their vicinity is significant—regardless of the validity of their claims, which we cannot assess. In our survey data, this category is made of 102 individuals who meet the following criteria (1) they explained that they did not receive reparations, but they (2) responded positively to the question “are you a recognised victim of Germain Katanga?” (which we suspect was interpreted as “are you a victim of Germain Katanga?”), and (3) described their prejudice as similar to the victims and said they suffered such prejudice in 2013.<sup>18</sup>

The third category consists of **people living in the immediate vicinity of the beneficiaries and who experienced substantial loss**, similar to the beneficiaries, around the same time. Depending on the time frame considered (have suffered a similar loss the same year or the same decade), they are made of 373 individuals or 530 individuals. We use the more conservatively defined group of 373 individuals as the default ‘control group’ in the report but also present results using the more loosely defined group of 530 in the appendix as a robustness check. It is useful to note that the category includes 100 individuals who reported that their prejudice was caused by Germain Katanga and its militia – but did not identify as recognised victims. The qualitative data suggest that their loss was linked to security incidents distinct from the Bogoro attack.

Finally, we have a set of 73 to 147 individuals who are not beneficiaries and did not suffer similar prejudice during a similar timeframe (the former figure is when considering a similar loss the same year, the second one the same decade). This category is small and unlikely to be representative of the general population. It is largely left out of the analysis as we prefer to use external data (such as DHS) when contrasting beneficiaries with the rest of the population.

### IV.3. Qualitative research

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For the qualitative part of the study, we used semi-structured interview guides to carry out in-depth, open-ended interviews with stakeholders and actors, key informants, and experts. The interview guide was based on the core evaluation questions, study objectives and initial discussions with the TFV. It was adapted for interviews with different actors, including beneficiaries, non-beneficiaries, local leaders, ICC staff, including judges, Registry and TFV staff. In addition to the key informant interviews, focus group discussions were held with victims. Participants in the quantitative survey were selected randomly for the focus groups.

Forty Interviews and focus group discussions were organised with beneficiaries and non-beneficiaries living in and around Bogoro, Bunia, and Kasenyi, based on the definitions of the two groups above. The category of non-beneficiaries also included community-based groups and civil society. They were complemented by another 26 interviews with key stakeholders involved in the reparation process (primarily TFV and other ICC staff) and local leaders. Qualitative material is essential to understand the dynamics and how victims navigate the reparation process. The many quotes of the reports each reference the interview or focus group transcripts, which have been anonymised; we only indicate gender, beneficiary status, and location.

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<sup>18</sup> We discuss that group in passing in the report. We do intend to analyse their data more carefully in subsequent research.

**Table 3** Summary of the qualitative research

	Key informant interviews	Focus group discussions
'Beneficiaries'		12
'Non-beneficiaries'		10
Local leaders and Civil society	18	
Chambers	3	
Legal representatives	2	
Management Services	2	
Judicial Services	1	
External Operations	1	
Procurement	1	
Victims Participation and Reparations Section (VPRS)	1	
Office of Public Counsel for Victims (OPCV)	1	
Trust Fund for Victims	5	
Local authorities and judiciary	8	

Trained researchers from the *Centre Multidisciplinaire de Recherche et Développement au Congo* (CMRDC) carried out most interviews with 'beneficiaries' and non-beneficiaries in Ituri as well as the survey. We conducted key informant interviews with ICC staff in person and online. The aim was to interview individuals and departments or divisions in the ICC with knowledge and/or participation in the Katanga Reparation process. We developed a list of individuals and divisions based on court documents, reports and literature on the Katanga case. We shared the list with the TFV, who provided a cover letter introducing the research team to potential interviewees. We approached thirty-two individuals on the list, and we were able to interview eighteen for different reasons.

Both sets of interviews and focus groups (with victims and ICC staff) were then transcribed, coded and analysed using *Taguette*, a web-based document tagging tool employed for qualitative data analysis. The codes created were based on the key themes for this evaluation discussed below. The analysis involved an iterative process, in which responses were checked and crosschecked for accuracy, with individual responses recorded separately.

To contextualise and supplement the interviews and surveys, we also analysed a wide range of documents (see footnotes and references): court filings, applications, responses, orders, and judgments from 2007 to 2023; internal and external reports; and published and unpublished literature on reparations. They helped gain insights into the history and development of the Katanga reparations.

The focus of the evaluation is on four broad key dimensions that echo our aforementioned objectives: (1) livelihoods, which includes material well-being (including work, assets, and food security) as well as access to basic social services; (2) psycho-social well-being, which includes self-esteem and self-efficacy, mental health, as well as aspirations; (3) community integration, which includes social connection and trust in institutions; and (4) sense of justice and reparation.

Our findings pertain to the victims who live in Ituri. At the time of their recognition by the Chamber, 72% of the victims said they were living in Ituri. We have anecdotal evidence that a few victims met by the research team were not permanently based in

Ituri. However, due to the lack of contacts, we have not been able to explicitly target the victims living outside of Ituri, in the DRC or abroad. The victims residing outside of Ituri who are not covered by the research are mainly, if not all, relocated victims living in Uganda and other countries. They benefitted from (symbolic and non-symbolic) monetary reparations only (including substantial lump sums in lieu of collective reparations).

#### IV.4. Ethics and quality control

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The research underwent ethical review and was authorised by the School of Social and Political Science at the University of Edinburgh. It was widely discussed with Congolese researchers and followed clear safeguarding principles that emphasised consent, anonymity, and the protection of the research participants but also the need to collect only data directly relevant to the research while minimising the discussion of the Bogoro attack itself – no detailed information was necessary for the evaluation, which focussed on the victim's experience in the reparation process.

The different research instruments (interview and focus group guides, surveys) were elaborated on and discussed with the research teams in the field and tested to ensure reliability and validity before being used—they can be requested from the research team. A clear protocol was established to ensure data quality. The training sessions (see above) emphasised gender sensitivity, and the focus groups included female-only groups to allow for more open discussions. The survey sampling did not target specific gender representation but ended up being generally balanced, as described later in this report.

#### SUMMARY

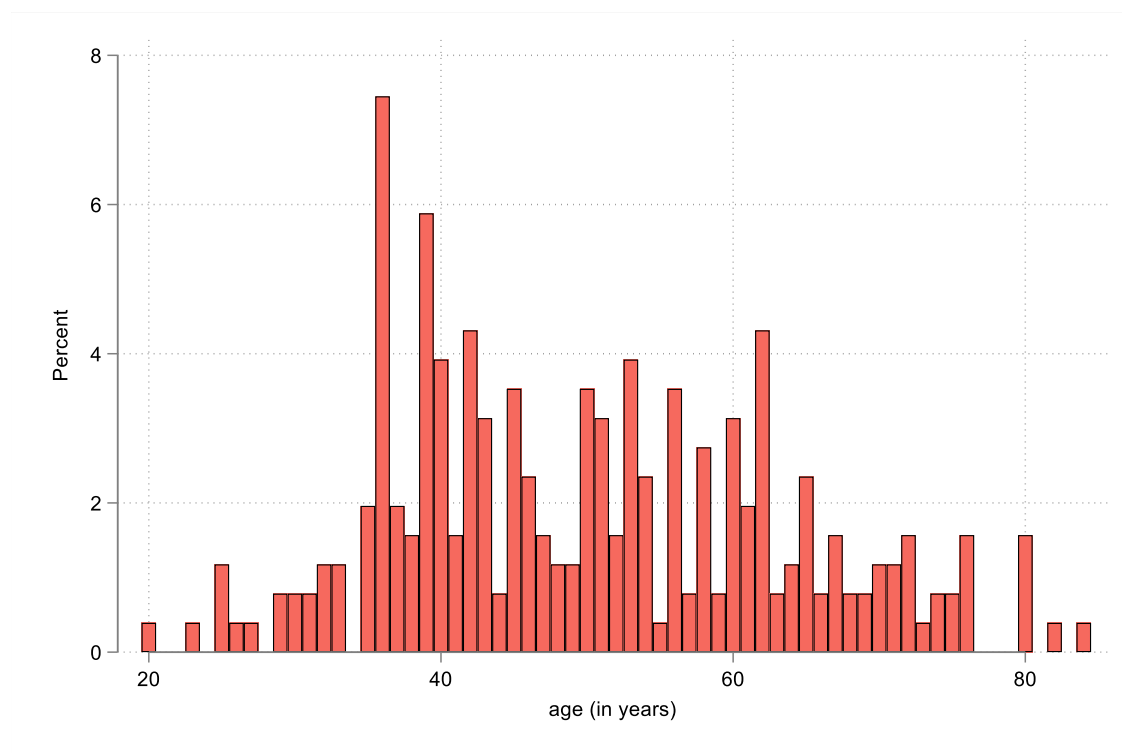
A mixed-methods approach was used to understand the victims' experience of the reparation process and the effects it may have had on their lives. It combines a representative survey with 889 individuals and 40 interviews and focus group discussions with beneficiaries and non-beneficiaries living in and around Bogoro, Bunia, and Kasenyi. In both methods, the research entailed meeting reparations beneficiaries as well as non-beneficiaries. The latter group is important for two reasons: (1) it provides additional information about the local perception and reception of the reparation process, and (2) it constitutes a much-needed comparison group when interrogating the effects of the reparations. The data was complemented by another 26 interviews with key stakeholders involved in the reparation process (primarily TFV and other ICC staff) and local leaders.

## V. MAIN FINDINGS

The findings section is divided into three subsections. The first describes the situation and profile of the beneficiaries and shows a population that remains significantly affected by material poverty but also by exposure to violence. The second looks at the engagement of the beneficiaries by and with the ICC and the TFV; it shows a decent level of communication and interaction between beneficiaries and the Court but also finds research participants sharing their concerns about the process leading to the identification of the victims and beneficiaries and the general timeline of the reparations. The third section is the evaluation properly speaking, it seeks to assess the effects of the reparations on key dimensions of the lives of the beneficiaries.

### V.1. Profiles of the beneficiaries

Table 5 provide summary information about the profile of the beneficiaries. The average age of the beneficiaries is 50.1 years old, with a relatively wide distribution ranging from 20 to 84 (see Figure 2). Around 10% were aged 36 or below at the time of the survey, meaning that they were minors at the time of the attack. Around 1% of the sample was under 18 at the time of trial.



**Figure 2** Age of the beneficiaries (distribution)

It is important to bear in mind that no reparation was awarded for transgenerational harm, and all beneficiaries are, therefore, 'first generation' victims (bar a few who received the reparations on behalf of their parents who died during the procedure, as we explain later in the report). There is a slight majority of women, and 15% did not go to school. A slightly higher proportion, 21.6%, completed secondary school and the average command of French, the main administrative language, is low, with just 16.5% of people able to have a substantial conversation.

**Table 4** Basic demographic indicators

	mean/ percentage	standard deviation
age (in years)	50.12	13.34
female	52.94%	
education		
none (0)	9.41%	
none, but can read and write (1)	5.88%	
some primary (2)	22.35%	
primary completed (3)	18.43%	
some secondary (4)	22.35%	
secondary completed (5)	20.78%	
tertiary (6)	0.78%	
French		
none (0)	21.18%	
a few words (1)	28.24%	
basic (2)	34.12%	
enough to have a discussion (3)	14.12%	
excellent/native (4)	2.35%	
ethnicity		
Hema	96.08%	
Lendu	0.39%	
other	3.53%	
religion		
Catholic	36.47%	
Protestant	54.51%	
Kimbangist	4.71%	
Other Christian	3.53%	
Muslim	0.39%	

The beneficiaries are overwhelmingly Christians, with a majority of Protestants, and faith is an element that appears frequently in the interviews and seems to play an essential role in the lives of many. In particular, faith occupies a ubiquitous position when beneficiaries describe their experiences of the 24 February 2003 event and continued insecurity, as well as feelings about the justice and reparative elements of the Katanga case. In addition to openly professing faith in God, participants' responses are full of references to their faith as the source of resilience for some, stoicism for others, and hope for even more, as illustrated by this participant who explained, unprompted:

"I believed in God. A good reparation because the ICC came to repair but nothing serious is done, the war continues, who will repair except God?" [08-II\_Victim-01, Bogoro]

Turning now to the economic conditions in which the beneficiaries live, Table 5 suggests situations that are often challenging. Households are large, with over four children under 16 on average, and the vast majority of the respondents described themselves as relying on farming. Slightly less than a third of the sample had not engaged in an income-generating activity in the week before the survey (with no difference between men and women)—health conditions account for slightly less than half of the cases, while the rest point to issues of exclusion and lack of opportunities. In the qualitative material, several unemployed participants blamed their state of unemployment on recent displacement and violence. For example, one beneficiary noted:

"I am currently unemployed. I used to be a farmer in the Malili area, but I had to stop with the arrival of the Chini ya Kilima rebels who blocked everything" [21 FGD\_Victim-A, Bunia].

Another participant explained:

"Since we fled the war, I'm here in Kasenyi, I'm displaced, I don't have a job. I used to sell cassava flour" [14 FGD\_Victim-B, Kasenyi].

A very small minority of the beneficiaries, around 3.29%, is employed in the public service, in schools and in health centres.

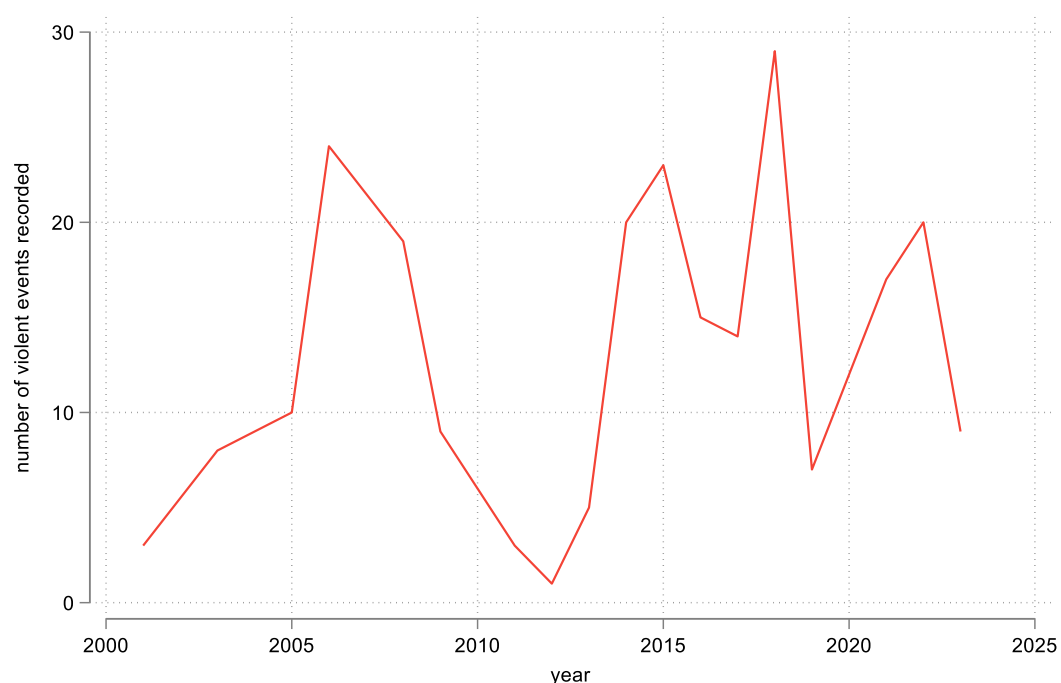
**Table 5** Basic economic indicators

		mean/ percentage	standard deviation
household composition	members	7.25	2.78
	of which, children below 6	1.36	1.09
	of which, children 6-11	1.54	1.25
	of which, children 12-16	1.12	0.93
activity	generated income in the past 7 days	59.56%	
	farmer (other people's fields)	32.89%	
	farmer (own fields)	61.84%	
	breeder (own animals)	8.55%	
	breeder (other people's animals)	1.32%	
	domestic work (cooking, security, etc.)	9.21%	
	artisan	0.00%	
	worker	7.89%	
	civil servant	3.29%	
	other	10.53%	
Not enough food in last 7 days	never	3.37%	
	rarely	20.36%	
	often	54.11%	
	very often	22.16%	
house roof type	good metal sheet	35.77%	
	metal sheet	56.58%	
	straw	6.75%	
	wood	0.90%	
house floor type	cement	18.67%	
	mud	68.17%	
	sand	11.36%	
	tiles	1.46%	
	wood	0.34%	

Table 4 clearly shows that the beneficiaries live under challenging conditions. Their houses are modestly constructed, and over three-quarters said that they often or very often did not have enough food (and money to buy food) in the week before the survey. They own only a few valuable items; for instance, only 19% have a smartphone (but 89% have a mobile phone), just above 10% have a motorbike or a car, and only a third are homeowners.



The lives of the beneficiaries after 24 February 2003 have often also been marked by further violence. Our questionnaire did not seek to uncover the details of violence endured, but they provide insights into a difficult general context: when asked whether they experienced violence since 2010, 44.27% of the beneficiaries said they lost a relative to armed group violence.<sup>19</sup> In another question, when asked about the harm they felt could lead to reparation or compensation, 30.43% reported being the victim of violence of the same nature as what they endured during the Bogoro attack in the years after 2003. Recent years have been particularly bad in this respect. In other words, violence certainly did not stop in 2003. The data collected and cross-validated by the *Armed Conflict Location and Event Data Project (ACLED)* at the University of Sussex and the *Kivu Security Tracker (KST)* confirm this bleak picture. The chart below reports the number of security incidents (involving death, injury, or significant attack on property) in a radius of 25 kilometres from Bogoro since 2003. Limiting the radius to 5 kilometres, we still found an average of 3.18 violent events per year, with the period since 2014 marked by increased violence. The ACLED/KST data relies on data collected by the media and most likely under-reports actual levels of violence.



**Figure 3** Violent events recorded by ACLED/KST per year within 25 km of Bogoro

In the qualitative data, many of the participants had a grim assessment of their present situation as compared to 2003. One female victim stated:

“I think that the current situation has become even worse than that of 2003. In 2003 it was the conflict between the Lendu and the Hema but nowadays it doesn't choose the tribes whether you are Hema, Nande, Alur, any other tribe, they will kill you if you meet them, even here in the city we are not safe, we kill each other like animals” [15 FGD\_Victim-B, Bunia].

<sup>19</sup> Bearing in mind that a relative is not necessarily someone they lived with.

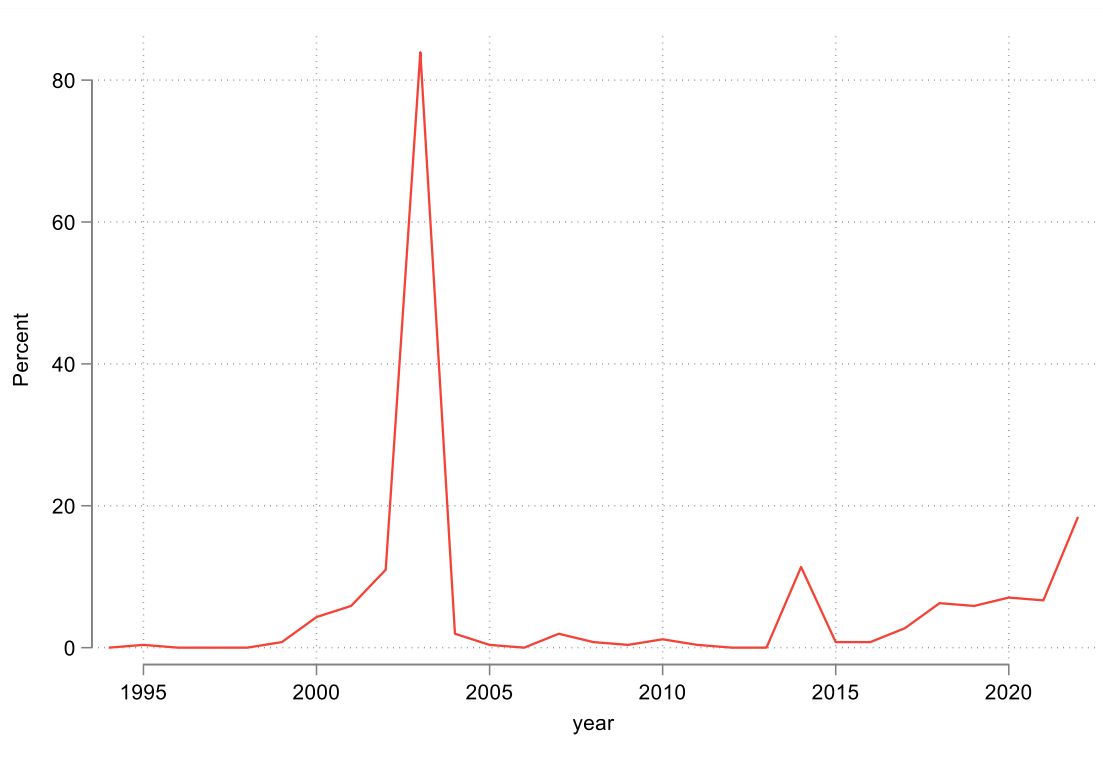
The view that their experience of insecurity was comparatively worse than in 2003, was common among victims, with another female participant commenting that:

“There is no change because everything we were experiencing in 2003 we are still experiencing today, we arrived in Bunia because of the killings in 2021-2022, the killings continue, to be satisfied we had to stop the killings, we had to be able to go back home to Bogoro but this is not possible, the tribal war continues by way of going to Mongwalu or Komanda, all this does not exist anymore, we are suffering from tribal conflicts here in Ituri” [21 FGD\_Victim-A, Bunia]

There is a general sense of resignation among many of the participants, with some pinning their hopes of peace on God, as one male victim stated:

“I think that the current situation has become increasingly bad and that only God can give us peace, and with your state of siege everything is damaged. If we are still alive, it is by the grace of God”[15 FGD\_Victim-E, Bunia].

Sadly, experiences of forced displacement follow a similar pattern. In 2003, about 83.9% of the beneficiaries were forcibly displaced. The situation receded in subsequent years, but around 18.3% of the beneficiaries still considered themselves forcibly displaced by the time of our survey. In total, 38% report having been forcibly displaced at some point after 2003 (see Figure 4).

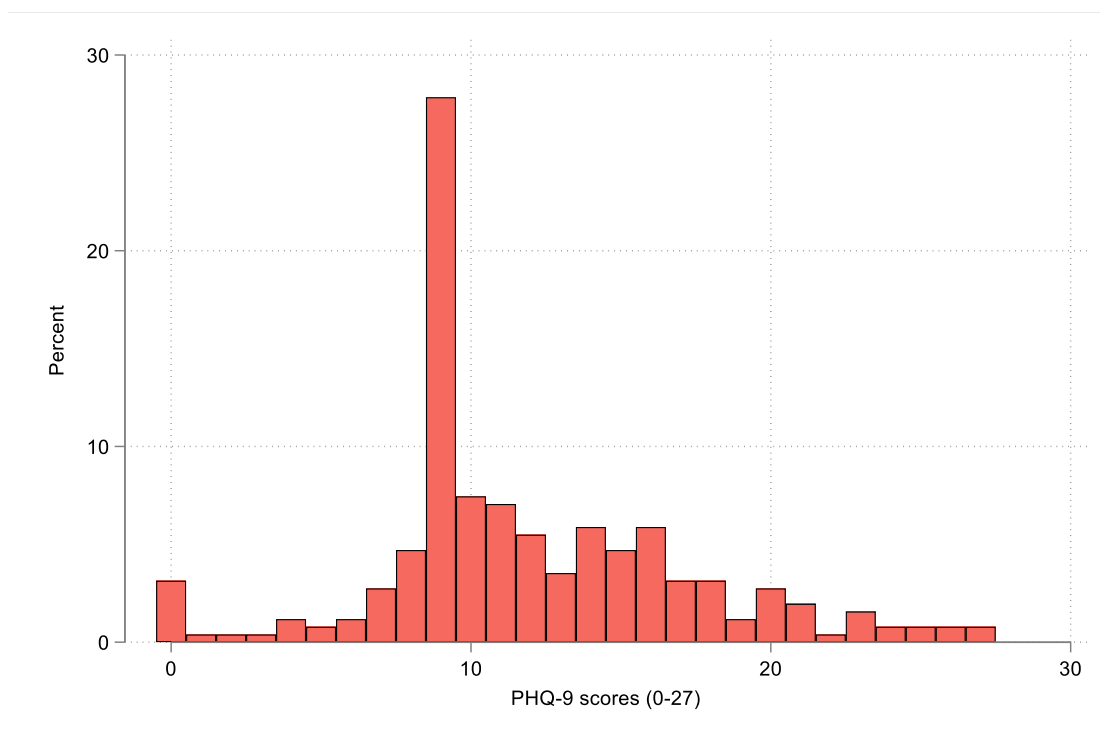


**Figure 4** Years of forced displacement (beneficiaries only)

As we will discuss further, questions about peace and security influenced participants’ perceptions of the reparation and appreciation of its outcome.

Against this background, it is not a surprise that the survey found strong suspicions of substantial mental health issues among beneficiaries (Figure 5). Using the PHQ-9 questionnaire (Patient Health Questionnaire, 9 items), we find a mean value of 11.9 and

a median of 12, which is typically interpreted as signalling a risk of 'moderate' depression. 25% of the beneficiaries would even fall in the 'moderately severe' category (values between 15 and 20) and 10% in the 'severe' category (values about 15). For reference, a recent study conducted on a large sample in the United States found a mean value of 3 to 3.7 and a median of 2 (varying with age; Tomitaka et al. 2018). The PHQ-9 is widely recognised as an important tool for assessing mental health, and while not perfect and potentially subject to over-estimating the situation, in particular in non-Western contexts, our results are so stark that they are most probably indicative of substantial issues which are likely related to the context of violence in Ituri.



**Figure 5** Distribution of PHQ-9 scores among beneficiaries

The qualitative material did not specifically probe the question of mental health, but a few of the interviews and focus group discussions suggest mental health issues. One participant explained: “today, I don't have any strength even now, when you ask questions, many things I have forgotten because my psychology is not calm”.

#### SUMMARY

The beneficiaries (of the reparations) remain, until today and as many inhabitants of Ituri, in difficult socio-economic conditions. Their lives remain marked by violence; when asked whether they experienced violence since 2010, 44% of the beneficiaries said they lost a relative to armed group violence. Around 18% of the surveyed beneficiaries still considered themselves forcibly displaced by the time of our survey. In total, 38% report having been forcibly displaced at some point after 2003. The survey and interviews found strong suspicions of substantial mental health issues among beneficiaries. There is a general sense of resignation vis-à-vis the situation among many of the participants, and faced with general inaction, many turn to faith.

## V.2. Engagement with the reparation process

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In this section, we explore how the beneficiaries and, to a lesser extent, those living around them have engaged with the ICC, including the TFV, over the years. The section is divided into three subsections: (1) the identification of the beneficiaries, (2) their experience with the reparation process, and (3) their sense of achieving justice.

### **V.2.1. Who counts? Experiences of reparations identification and categorisation**

By the time of our research, eight years after the Registry submitted its report identifying the victims in November 2014, the process through which the beneficiaries were deemed eligible for reparations remained a sensitive topic for the beneficiaries, non-beneficiaries, and local population. It is not within the remit of this report to question or challenge the identification process (and our research did not seek to assess this dimension), but it is important to describe the main narratives on the ground, for they form an essential part of the experience with the ICC/TFV in Ituri.

The beneficiaries and local population stressed the difficulty of ascertaining the actual victims as defined in the criteria set by the Chamber in the Katanga case. Every interview and focus group led to discussions where people repeated their sense that while the identification was “generally good”, there were also many (perceived) shortcomings. The general sense of the victims we met is that there were still people who should have been recognised as victims who were not recognised and, conversely, that a minority of the beneficiaries were not legitimate (we do not have any element to assess such claims). A beneficiary who seemed to have played the role of leader and intermediary in a few instances summed up the general feeling among beneficiaries:

“80% of the beneficiaries are actual victims [i.e. should be on the list of beneficiaries], but there are also many victims who are not beneficiaries.” [00 FGD Victim, Bunia]

Different narratives underpin this sense of a perfectible process. A few individuals appear to not understand - or accept - that the ICC case against Germain Katanga only concerned the 24 February 2003 attack. As we already highlighted, the Bogoro area witnessed attacks and specific insecurity for a much longer period, and Germain Katanga and his militia did not limit their exactions to the 24 February 2003 attack. The main narrative, however, is one of individuals who missed the opportunity to “apply for” or “be recruited in” reparations (to use the terms heard during the field research). The focus group discussions and interviews with those who identified as victims but were not recognised by the Court point to displacement, lack of knowledge of the registration process, a limited registration window, and perceived bias by local intermediaries as reasons for not benefitting from the reparation. One of the ‘non-beneficiaries’ stated:

“When my husband died during the war, they looted our property, our cows, and I was so disappointed that I went to take refuge in Uganda and I wasn't informed of the presence of the ICC, which took care of the victims of Bogoro” [13 FGD\_Victim-C, Bunia].

Another one explained:

“...when we learned that the victims were being registered here in Bogoro, we came to find that they had already closed the census” [27 FGD\_Victim-D, Bogoro]

These claims were often supported by beneficiaries in the mixed focus groups (consisting of self-identified beneficiaries and non-beneficiaries), who appeared to confirm the exclusion of people they saw as 'co-victims'. One of the beneficiaries developed this point in a focus group:

"There were other victims who had received the information about the recruitment [identification] of victims in Bogoro late when the list was already written, others had given up because of the time it took and others had their names registered during recruitment [identification] but when the list was sent to the ICC their names did not appear on the list" [33-II\_Victim-01, Bogoro].

LRVs and ICC staff stressed that identification work was carried out in Uganda. When comparing the survey data on beneficiaries and non-beneficiaries, we found no statistical difference between the two groups regarding forced displacement near or at the time of registration (12.5% of beneficiaries and 10.5% of non-beneficiaries were displaced in 2014-2016).

In interviews with staff involved in the Katanga reparation process from the Victims Participation and Reparations Section (VPRS), TFV, and legal representatives, there was a general acknowledgement of the challenges that displacement and identification of victims presented in this case. One staff member described it as "the guineapig case", where the lack of precedent introduced experimentation and novelty, which created opportunities for cooperation among different sections of the ICC and, inevitably, contestations. One such novelty was the collaboration with local leaders, some of whom were also victim beneficiaries. One beneficiary explained this process:

"The village chiefs were assigned to verify who had lost property and other things. [They] also had to check whether the victims were really inhabitants of Bogoro in order to eliminate false cases or false beneficiaries who could infiltrate. This is how false cases were identified and eliminated"[18-II\_Victim-01, Bogoro].

Non-beneficiaries were more likely—in the sense that there is a statistical difference between groups—to express dissatisfaction with local leaders' role in verifying victims and claims.

The survey data provides more insights into the tension between beneficiaries and non-beneficiaries (Table 6). There is no statistically significant difference between the two groups on most aspects – the only noticeable difference is that non-beneficiaries are more likely to be respondents who were interviewed in Bunia (they may live there or have travelled to the city) and have a higher level of formal education. Only education remains significant when controlling for other factors (the other variables in Table 5 and Table 6).<sup>20</sup> 61.41% of non-beneficiaries attended (at least) some secondary school, while only 43.91% of beneficiaries did. It is, therefore, not unlikely that our category of non-beneficiaries is partially characterised by their ability to articulate their case (albeit not successfully) and identify themselves as flouted beneficiaries.

It is also important to see that the tensions are also around the classification of beneficiaries in the five categories mentioned earlier. A beneficiary explained:

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<sup>20</sup> Being interviewed in Bunia was probably significant only because it is correlated to the level of education.

there was no injustice [in selecting beneficiaries], the injustice was at the level of our local authorities because they put categories A, B, and C [in fact A, B, C, D, E]. I received 1200\$ but there were other people who received more than me, I don't know why the ICC had put categories [31 FGD\_Victim-A, Bogoro].

**Table 6** Profiles of beneficiaries vs non-beneficiaries (standard error in parenthesis)

	beneficiaries	non-beneficiaries	difference without controls (t-test)	difference with controls (OLS) <sup>1</sup>
age (years)	50.13 (13.35)	48.95 (13.92)		
female (ratio)	52.9%	46.5%		
Hema ethnic group (ratio)	96.1%	94.7%		
displaced post 2003 (ratio)	37.6%	27.2%	*	
experienced harm post 2003	31%	26.3%		
level of French (0-4) <sup>+</sup>	1.482 (1.049)	1.570 (0.959)		
education (0-6) <sup>+</sup>	3.039 (1.562)	3.553 (1.476)	***	*
respondent in Bunia (ratio)	37.6%	53.5%	***	
N	255	114		

Note: 1. model includes all the other variables in the table. | + see Table 4 for details on the scale. French is from none (0) to fluent (4), education from none (0) to tertiary (6) | Significance levels \*p< 0.1 \*\* p<0.05 \*\*\* p<0.01

Many victims expressed not only strong disagreement with their allotted groups but also complained about the lack of consultation on the decision. This resulted, according to them, in an unbalanced calculation between the loss of family members on the one hand and assets on the other. While official documents relevant to the Draft Implementation Plan (see, for example, CR2017 04784 Annex 1), showed limited differences between the categories, the logic is explained by one of the legal representatives as follows:

"In the Katanga case, each person from each family was given the opportunity to file their application to participate (father, mother, children participated individually in the case and their damage was calculated individually). For example, for the loss of a family member, we agreed with the [Trust] Fund that each person was given a symbolic cow for the loss of a family member regardless of the number of people lost (if you lost 10 family members, you only receive one cow. But each living family member receives a cow for the moral prejudice suffered)." [4KII\_LRV-1]

To some victims, however, this categorisation was inexplicable, producing effects that they found unsatisfactory. One beneficiary noted: "people were not satisfied according to their declarations; they were classified according to categories without knowing the standards of these categories." [31FGD\_Victim-B, Bogoro]. These complaints were aired mainly by participants who stated that they lost family members. One victim noted:

"I was not happy with the things they gave me; I was in category A but after the older brother's death, they returned me to category C; I thought that they would give plots of land to his orphans or even houses but we saw the opposite, really this reparation did not help us" [29 FGD\_Victim-C, Bunia]

It is unclear what participants' involvement was in the categorisation decision and to what extent this information was communicated. Most beneficiaries presented the categorisation as an imposed decision without consultations –even though consultations did take place at the time.

Identifying and categorising beneficiaries eligible for individualised reparations (including the 'collective' reparations in the Katanga case) is likely a complicated process in many contexts. 'Targeting' is a key aid and social support programme issue worldwide. The point of this subsection was not to assess who is right but to highlight the perception of the identification process as broadly speaking 'good'; nevertheless, it is still the topic of heated debates, even close to a decade later. The nature of the reparations in the Katanga case delineates two clear categories those whose suffering is valid and, therefore, will receive reparation, and the rest. The data does not suggest systematic (observable) discrimination (difference) between the two groups but rather a fault line within a community. The perception of the categorisation is quite different. There is not a clear shared sense that the categories are fair, which seems mainly related to the perceived arbitrariness of the process.

#### SUMMARY

The beneficiaries (of the reparations) found the identification processes generally fair, even though some pointed out that a limited number of people may have been missed due to displacement, lack of knowledge of the registration process, a limited registration window, and perceived bias by local authorities. The survey data does not suggest systematic bias, and non-beneficiaries who were also victims of violence seemed to understand the remit of the ICC case (even though they found it unfair that their situation remained unaddressed by national and international justice alike). The perception of the categorisation of the beneficiaries is more problematic: there is not a clear shared sense that the categories are fair, which seems mostly related to the perceived arbitrariness of the process.

### ***V.2.2. Experience with the reparation process***

The beneficiaries' overall impression, as expressed in the survey and qualitative material, is that the reparation process was relatively well-managed. They mostly felt heard and provided with explanations. The categorisation of victims and the timeliness of the process were, however, recurrent complaints. Before trying to understand the dynamics at play, we briefly turn to the survey data, which provides a useful overview of the situation.

As shown in Table 7, 75% of the beneficiaries explained that they were consulted about the reparations, translated as "kutengeneza" (to repair, fix) or sometimes as "kurekebisha" standard Swahili (to repair, fix, put in order, adjust, mend), which includes their nature and the process. This is largely echoed in the qualitative material, and we will soon look into the nature of this communication. 70% said that the explanations were "rather clear" to them (26% said they were "perfectly clear"), and 71% said that they received updates monthly at least (and 38% at least a few times a month)<sup>21</sup>.

These findings are important, but they must be considered carefully and in close relation to the qualitative data: questions related to satisfaction are notoriously prone to bias–

<sup>21</sup> The question was about the entire process, but the interviewees mostly described their recent experience.

“rather clear” has positive undertones but may reflect a relatively wide range of positions, ranging from “acceptable” to “almost perfect”—and exact percentages are probably not the most useful in this case. The general sense of a “rather positive experience” is, however, largely confirmed by the qualitative data.

Table 7 also suggests that this experience of a generally good interaction is not uniform across beneficiaries. First, younger people are less likely to say that they were consulted about the reparations, which is not a surprise given that some of them ‘inherited’ the reparation from their parents and were, therefore, not included in initial discussions. They, however, report more frequent updates (which may be linked to a greater ease with mobile phone communication). Second, and importantly, people suffering material harm are almost 40% more likely to report having been consulted on the reparations and report being less in contact with the TFV and actors. Third, women reported a more positive experience than men regarding the clarity of the explanations received.

**Table 7** Involvement in the reparation process

	<u>gender</u>				<u>nature of harm</u>		<u>age</u>		
	all	male	female	diff.	non-material	material diff.	< 40	≥ 40	diff.
Were consulted (ratio)	0.749 (0.434)	0.717 (0.453)	0.778 (0.417)		0.583 (0.496)	0.862 (0.346) ***	0.537 (0.50)	0.824 (0.381)	***
Felt process well-managed (-2 to 2)	1.078 (0.671)	1.050 (0.672)	1.104 (0.672)		1.010 (0.495)	1.125 (0.766)	1 (0.67)	1.106 (0.670)	
Felt heard (-2 to 2)	1.090 (0.835)	1.058 (0.781)	1.119 (0.881)		1 (0.686)	1.151 (0.919)	1.015 (0.74)	1.117 (0.863)	
Had clear (-2 to 2) explanations	1 (0.869)	0.875 (0.958)	1.111 (0.769)	**	0.951 (0.733)	1.033 (0.952)	0.881 (0.87)	1.043 (0.864)	
<i>TFV updates</i>						***			***
almost never	1.18%	0.83%	1.48%		1.94%	0.66%	1.49%	1.06%	
rarely	12.55%	17.50%	8.15%		1.94%	19.74%	2.99%	15.96%	
few times/ year	14.12%	16.67%	11.85%		8.74%	17.76%	16.4%	13.30%	
once a month	32.55%	26.67%	37.78%		42.72%	25.66%	23.8%	35.64%	
few times /month	15.69%	9.17%	21.48%		8.74%	20.39%	16.4%	15.43%	
few times a week	20.39%	25.83%	15.56%		34.95%	10.53%	34.3%	15.43%	
almost daily	3.53%	3.33%	3.70%		0.97%	5.26%	4.48%	3.19%	
N	255	120	135		103	152	188	67	

### a) A regular communication

The regularity of the contact was matched by the variety of strategies used by the TFV/LRV to communicate with the victims. Three of these methods are worthy of mention in the report because of their implications on the implementation process, including victims’ sense of justice and reparations. First, the involvement of ‘gatekeepers’ or intermediaries such as chiefs and victims’ representatives is needed to identify, contact, and communicate with victims. While there is a lack of clarity on how



victims' representatives were selected, their role in ensuring that victims were duly informed about meetings with the legal representatives and TFV was critical to beneficiaries' participation in the reparations process. The role of chiefs in identifying victims of the Bogoro attack was also important. Second, the multiplicity of methods of communication—text messages, WhatsApp, direct mobile phone calls to victims and/or through their local chiefs or representatives—meant that victims were almost guaranteed to be informed of meetings with the TFV or LRV staff. Third, providing an allowance for transportation and food for each meeting eased the financial burden on victims and, in many instances, incentivised attendance. One victim noted:

“We were called by phone as all our numbers were there and we were given money for transport to and from the camps and for food. Leaving Bogoro for Bunia, we were given \$15 for transport and food including each time there was a call” [31 FGD\_Victim-B, Bogoro].

Another stated:

“If someone did not have a phone, the local chief or another person who is a victim member [would be] called to communicate this.” [31 FGD\_Victim-D, Bogoro].

The implications of these measures beyond ensuring strong communication are twofold. On the one hand, they created a useful forum for transmitting information from the ICC to victims regarding the legal proceedings during the trial stage and from the TFV and LRV during the implementation of the reparations. On the other hand, these measures provided a platform for victims to communicate back to the ICC or to feel that their voices were being heard. As one victim recalled:

“We believe that our ideas and our voices were coming to the ICC through our lawyers, because we saw at each arrival, they were coming with new information, we were listening to them ourselves with our own ears...all this was a testimony that our voices were arriving there, without that we would not be able to come here to live in Bunia.” [2 FGD\_Victim-B, Bunia].

Another victim responded:

“I think our voices were coming because every time when the lawyers came from the ICC, they explained to us the reality of everything that was going on there in The Hague and they also took our recommendations and brought them to the ICC.” [2 FGD\_Victim-A, Bunia].

Whether the positive sentiments of good communication and participation expressed by beneficiaries are connected to the specific circumstances of the Katanga case—a definite number of victims, strong involvement by the LRV, and direct implementation by the TFV—is difficult to ascertain. What is clear is how effective communication with the beneficiaries improved their experience of the reparations process, including building beneficiaries' capacity to tolerate the significant delays that persisted throughout the implementation phase of the reparation process (see timeliness of the process in section I.4, as well as the detailed version in the appendix).

## **b) Involved legal counsel**

The qualitative research suggests that the participants did not always clearly identify their source of information. When asked in the survey who was informing them about the reparation process, 63% said TFV and 49% their legal counsel - but there was some

confusion. The findings of Table 7 should be understood as involvement with both TFV staff and the legal counsel (LRV) and their teams.

The interviews carried out with key informants and legal actors uniformly suggested that the LRV were deeply involved in the reparation process. Their role extended from identifying beneficiaries to determining and disseminating reparation packages, including maintaining regular communication with victims. The close bond between the LRV and victims was clear during fieldwork, and it can be analysed from at least three perspectives: Hague-based ICC staff, victims, and LRVs.

From the point of view of the key informants we interviewed at the ICC in The Hague, such as judges, staff at the Registry and TFV, there was consensus that the efforts of the LRV in this case made the reparations process easier. The commendation was not only limited to their professionalism and effective representation during the trial and reparation processes but also the keen interest and commitment they displayed in the victims throughout the process. As one official put it: "They actually knew the victims" (01-HBC-II-01). The consequence was that there was a lot of reliance on the legal representatives in the reparation process - from gauging victims' preferences to inputs in the Draft Implementation Plan, and communication with/to beneficiaries. The extent of the reliance was such that the LRV became the effective gatekeepers of the victims. As one official noted: "You cannot get to the victims without going through [the legal representatives]" (01-HBR-II-01).

This closeness posed its difficulties in the relationship between officials interviewed and legal representatives, with some accusing the lawyers of being overprotective of victims to the extent of affecting collaboration. One official noted: "There is possessiveness from the legal representatives for many reasons, some of which are dogmatic and others for continued employment" (01-HBF-II-01).

For victims, the role of the legal representatives transcended the lawyer-client relationship. They saw the legal representatives as having a keen interest in their well-being and a desire to secure their best interests just like parents would for their children. Many credited them not only for receiving reparations but also for the guilty verdict of Germain Katanga:

"Because the lawyers who represented us at the ICC were Papa Fidel and Mama Flora, they fought for us, and we were sure of them, and they put a lot of effort into this case" [4 FGD\_Victim-B, Bunia].

Another stated:

"Yes, Maitre Fidel and Mama Flora represented us well during the trial, which is why the guilty party was convicted and I received my house as reparation." [4 FGD\_Victim-D, Bunia].

One factor that appeared key to victims' appreciation of the role of the legal representatives was a combination of their accessibility and willingness to communicate with victims. Victims celebrated the fact that they could contact their legal representatives (especially 'mama Flora') at any time, they were also confident that they could be reached whenever necessary "because Mr Fidel Nsita Luvengika and Ms Flora Mbuyu Anjelani have all their contacts" (there was no mention of the OPCV because she only represented a very small number of victims in this case).

This affinity was mutual as the legal representatives interviewed felt a great sense of responsibility towards the beneficiaries, whom they considered clients and victims of heinous crimes requiring patience and tact. The lawyers pointed to the longevity of the relationship with victims as a reason for the strong relationship as one put it:

“You also need to realise the time we have spent with victims. It started in 2008, but if we just count the preparation of reparation forms, it is weeks of preparation and interviews with victims. Fidel has been going an average of 3 times a year for almost 15 years. It’s been a lot of time with victims, during which they have shared a lot, and we are still talking about a hell of a long relationship. [4KII\_LRV-1]

This longevity also meant that the lawyers had enough time to develop communication skills to navigate multiple levels of relationships and layers of complex dynamics and decision-making processes to present a uniform position for all victims. One legal representative provided an example of this:

“These different dynamics between victims manifest themselves in several ways. So, when we go out into the field, we have collective meetings where we explain things and when we are done, the victims speak either individually and people rally or defend other positions. When [the legal representative] was in Bunia in June, the victims asked for 15 minutes so that they could consult and give a common response. Then, at each meeting, there are always victims outside the formal meeting who come to us around the corner. We still have this contact with the victims in the formal and informal spheres. So, there are several approaches and several discourses that we hear from victims. But it is up to us to make a distinction, especially when we communicate with the judge, to highlight what is in the common interest.” [4KII\_LRV-1]

No matter the perspective, the involvement of the LRVs has significantly affected the experiences of victims in this case.

### **c) A very long process**

The perceived delay in the implementation of reparations in the Katanga case was strongly articulated by victims during the research and acknowledged in interviews with judges, LRV, Registry, TFV staff and legal counsel. There are several components to the timeliness of the reparations. Previously, the report alluded to the timeline of key events relating to the reparations. In this section, we present different views from victims and ICC staff (TFV, Registry, Chambers, LRV) on how they understood the delay and how it impacted the reparations. It is key to bear in mind, as the timeline in the appendix shows, that the dialogue among the different ICC parties, as well as with the legal representations of the victims and Mr Katanga, was most often through the (time-consuming) courtroom.

#### (1) Delays that hurt, and sometimes help

The overwhelming response from victims to the question of the timeliness of the reparations process was negative. While some of the reaction was based on a lack of knowledge of the ICC Rules and processes—which may speak to significant differences between international and local forms and perceptions of justice outside the purview of this present report—many victims were unhappy about the time taken to receive reparations. As already noted, there was regular communication with victims, which made the waiting bearable for some. Still, many victims referred to the extensive period

between when they were first approached about reparations after the judgment (2014) and when they eventually received reparations. Others mentioned the gap between the individual and collective reparations, including the personal, economic, and social impacts on their lives and livelihoods. Some beneficiaries, for instance, referenced deceased relatives who did not live to benefit from the reparations when highlighting the timeliness of the reparations.

“This help did not come at the right time because there are other victims who died without receiving help. Although there was a replacement, the [original deceased] owner of the property did not see anything, as it took too many years. It was not timely.” [31 FGD\_Victim-C, Bogoro]

Another victim commented:

“I was discouraged because the time had passed by a long way, other victims died without benefiting from this reparation, and we had even forgotten what we had planned because of the long delay.” [33-II\_Victim-01, Bogoro]

Some victims blamed it on the ICC process.

“About the aid, this operation has lasted a long time because of the ICC process which had also started its research from 2007 and it lasted a long time. Others had even died without receiving this aid” [31 FGD\_Victim-C, Bogoro].

For some, it was simply:

“This help was long overdue; many of us had died without it, and that made our hearts ache.” [22 FGD\_Victim-03, Bogoro].

Other victims commented on the delay's effect on their lives and livelihood, including the wellbeing of their family members. There were several examples of victims who claimed to have “pre-funded” the expected assistance from the reparation. One victim explained:

“At the beginning these agents told us that they will pay for our children's schooling but as it took a long time the teachers asked for the money at any time, I myself had paid for my children's schooling and I told these agents to add this schooling money to the money of the cows” [4 FGD\_Victim-02, Bunia]

Most victims, however, commented on the change in the market value of their chosen income-generating activities or housing assistance from initial assessment to actual procurement. There were those who claimed to have been unable to complete their houses because of the change in prices. One male beneficiary explained:

“It was planned that they would buy for us all the materials necessary for the construction of the house, but as the reparation had taken a long time, the price of the materials for the house had increased and when you tell the white man that to build a house you need so much money, he will consider that amount until the end. This is how they saw the price of the materials [had] increased, they did not know what to do and we were given the money so that we could buy and build ourselves, which meant that the house was still unfinished.”

Another beneficiary of the housing assistance noted:

"I chose to build the house because my old house was destroyed and when I returned from Uganda, I had to rent another house... the money was handed to me for this job and the price of building materials had gone up in the market."

For others, the time-lapse and the increased cost of materials caused difficult decisions. One victim explained the choice he had to make after receiving money to build a house.

"As the money I received (\$2680) could not allow me to repair everything, the amount itself could not allow me to build a house or buy a plot of land, given the current cost of materials on the market and the current price of land in our area. With this amount, I only bought a small plot of land in the Bembeyi area (one of the 24 neighbourhoods of Bunia town) . And the rest I trade, and this money is already finished."

The impact of the delay was not limited to beneficiaries of housing support; others who secured income-generating activities were also affected. One female beneficiary who chose to buy food products for her shop complained: "If this repair had arrived when expected, it might have helped, but the repair arrived with a big delay when the price of food had risen in the market." Another trader concurred: "No, this assistance did not come at the right time, it took a long time, as it did recently when all the products had gone up in price on the market."

While the delay invoked a negative reaction among victims, it is also important to highlight the impact of the first part of the reparations – the individual cash payment of USD 250. Most beneficiaries claimed that this symbolic compensation was important because it made the waiting for the rest of the reparation packages bearable and possible in at least two instances. First, it offered concrete proof that the reparation process was real, highlighting all the meetings they had held with the LRVs, TFV and other ICC staff. Before this payment, it was a distant promise and, at best, a lingering hope.

"Well, these people [took] a bit long, they came and then left and came back again to tell us not to be discouraged because the case is at the level of the court. We [were able to be] patient, after they had come to give us USD 250 and to let us know the budget for the reparation of the victims of Bogoro was as much, and then we arrived at the reparation."

Secondly, it allowed them to settle immediate problems, many of which were prioritised as the first choice in the collective reparations. For many, this was important because it allowed them to do what they wanted. One victim stated: "I thank the ICC very much, the USD 250 they gave us allowed us to organise the funerals of our parents and other family members." Another victim explained: "First the \$250 helped me to pay part of my daughter-in-law's dowry and to help my children with schooling. I also bought clothes for my family."

A father told us:

"First of all, the USD 250 I received I subtracted USD 50 for my needs and the rest USD 200, I bought a cow and that allowed me to go and endow my first daughter-in-law. The cows I obtained [from the collective reparation] have not

yet helped me because they have not yet reproduced, but in the future, I believe that it will help me a lot.”

Some felt that because of the delay, they could change their first choice of the collective reparation package to something they described as 'better'. One respondent, for example, stated that she had originally chosen four cows and one motorbike, but owing to the delay, she changed her mind and asked for six cows instead. During the interview, she stated: “I am happy I changed my mind to get the cows instead of the motorbike... My friends who chose a motorbike have had to sell it because of problems [faults] but I still have my cows.”

## (2) Making sense of the delays

The Katanga reparation was implemented by the TFV, with the direct involvement of the Chambers, LRV, and the Registry. While the delay issue was clear-cut when discussing victims, the timeliness of the reparation process was more complicated at the ICC level. This is not just because of the complexity of the process—different people and departments involved at different times—but also because interviewees at this level appeared to understand victims’ frustrations and were passionate about delivering timely implementation. This invites the obvious question of ‘why the delay?’ All interviewees at the ICC level (judges, LRV, TFV, and staff at the Registry) agreed about the slow pace of the process, even if there was less agreement about who or what was responsible for it. Depending on which timeline is considered—eleven years from the Bogoro attack to the sentencing, three years between the judgment and the Reparations Order, and two years between the individual and collective reparations—victims had to endure a torrid period of ‘delay’ they found inexplicable. It is not up to this report to determine or apportion responsibility. However, we highlight below three points that were repeated by several interviewees as having contributed to the perception of delay in the implementation of the Katanga reparations: inexperience in implementing reparations before Katanga; (Re)defining or (re)negotiating roles by key actors; and ICC processes (such as procurement protocols) not adept to the particularities of the Katanga reparation.

### **Learning to implement reparations**

A recurring theme among judges, staff at the Registry, including all three divisions, legal representatives and TFV (legal, field staff, and the management team), was the novelty of the Katanga reparations. As discussed earlier, the reparation process in international criminal justice is relatively new and often lacked developed regulations. More specifically, the uniqueness of Katanga manifested itself on several levels: direct implementation, the first reparation of its kind, borne out of a single event, a defined group of victims, and the heavy involvement of the field office team and legal representatives. It is equally valid that the extent of preparation and cooperation was not at the levels expected by the Hague-based team. This was evident in the interviews with key staff about specific gaps between events, which, in hindsight, appeared to have been lost time when substantial planning and inter-departmental discussions should have taken place. Examples of these time lapses include the period between the judgment in 2014 or the Order instructing parties to file observations for reparations procedures in April 2015 and the filing of the Draft Implementation Plan in 2017. Others referred to an even earlier period - at the point of trial owing to the inevitability of a Reparations Order - for planning the implementation of the Katanga reparation. Lessons have been drawn, and we were told, based on the Katanga experience and previous

reports, that they were being implemented in future reparations. What was noticeable was the eagerness of all parties to make the reparations work.

Many officials interviewed were keen to present their contribution to the Katanga implementation through creative, flexible, and proactive approaches. From our interviews with field and lower-level staff in the DRC and The Hague, as well as with senior managers and decision-makers, it was clear that everyone was passionate about delivering the Katanga reparations effectively and promptly. The officials we interviewed were knowledgeable about their roles and eloquently articulated their deliverables. For the field and lower-level staff, many of whom have had direct contact with victims or their representatives, the perceived delay was, at best, an inexplicable annoyance. This was summed up by one staff who stated:

“It is not that I come to the office and spend my day drinking coffee. We work so hard... I work extra time and weekends, with strict deadlines. Yet things are always slow.” [01-HBG-II-01]

Fundamental changes may well need to be made to how reparations work, but as we were repeatedly reminded during our interviews, the specificities of the Katanga process are “outliers”, unlikely to be replicated. Yet, it is still important to note the need for cooperation and coordination by different organs of the ICC from the onset to match victims’ expectations of reparations and justice and save or enhance the ICC’s reputation.

#### **Delineation and duplicity of activities**

A corollary of the ICC legal framework is the delineation of interrelated roles of different organs in engaging with victims. In theory, this should optimise victims’ experience, ensuring that they are served by the department most adept at dealing with their concerns at specific junctures of the legal process. Given that the legal and judicial processes under the Rome Statute are not lineal, victims are more likely to be engaged by multiple organs of the ICC, from the investigation to the reparation stages. As they carry out their responsibilities under the ICC framework, departments’ roles often overlap as they interact with the same individuals as victims. This results in the multiplicity of meetings, data collection, and information about victim suffering, all leading to more time.

This is not to suggest that the officials we interviewed were unclear about their roles. On the contrary, not only were they knowledgeable about their remits, but some of the officials we interviewed were also eager to point out occasions when they felt another department had attempted to usurp their role. As one official put it, the Katanga reparation exposed the ambiguities and resulting duplicity in how ICC institutions interact with victims from the pre-trial stage to reparations. We have already noted how victims could not distinguish between various categories of ICC staff. Whether more cooperation and coordination, as suggested by some of the interviewees, could have reduced or removed the duplicity of meetings and information gathering with victims and, therefore, save time is a good question to pose. While we may never fully know the answer, future reparations may offer some insights. Some of the best outcomes for victims have involved collaborations between the TFV and LRV, for example, in producing the Draft Implementation Plan.

The point about duplicity is not new; the Independent Expert Review made similar suggestions in 2019,<sup>22</sup> and we do not want to restate the points—especially since the allocation of tasks between Registry and TFV has changed since our interviews with ICC staff. What is clear about multiple ICC organs contacting the same victims several times was the seeming lack of recognition that this may have impact on the victims. While it is theoretically sound to create boundaries by engaging victims for distinct aspects of the same case – whether by the Prosecution, VPRS, VWS, OPCV, and TFV – for victims, it is one case, and everyone is ICC. One consequence of this thinking, as we found in the interviews, was that many victims’ calculation of time was from the moment they had the first contact with the ICC. It also increased the emotional burden for the victims (and, in fact, for everyone involved in the process). It did not matter to them what that initial contact was about. They told the story of their (and relatives’) injury loss with a certain expectation so that whatever the reasons for the delay, it will only hurt how victims, their families, and their communities view the ICC process.

Another point that came up regularly during the interviews was the role of the Chamber. While there were divergent views about the extent of involvement of the Chamber, there was general agreement that the judges’ intervention encouraged collaboration by ordering different departments within the ICC to work together. As one of the judges said, “we had to make them work together” [02KII-TCh-01]. This hands-on approach also meant many more applications, replies, antecedent orders, requests for extension, and specific rulings – all pointing to a significant and time-consuming procedural back and forth between different parties to the reparation proceedings and the Chamber. As another judge admitted:

“The court could have done more, but there were things outside our control... [for example] there must be rules about time compliance to reduce delays” [02KII-TCh-02].

Whether a rule change is required as suggested above or, as other interviewees noted, a reduced role for the Chambers that will not run through the full implementation period, how the Chamber operates in reparations proceedings will need further consideration. To victims, timely implementation of reparations is what matters most.

### **Rules/statute not adept to specificity**

“Bureaucracy [in relation to procurement rules] is used as an excuse by people who do not want to perform” [03-KII-REG-01].

The Katanga reparations have raised several questions regarding the suitability of certain rules, such as those relating to procurement in the specific context of rural DRC. The Reparations Order was clear about its award to victims in the Katanga case, while the Draft Implementation Plan was precise in actualising the Order about the specificities of individual and, particularly, collective awards. The realisation of the technical provisions contained therein was not clear in either document. This begs the question of how much information was available about the particularities of eastern DRC during the time, including procurement and market realities. Similarly, it is unclear what kinds of internal reflection and consultations took place to ensure that victims’ choices of collective reparations could be met both within the existing rules and within a reasonable time.

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<sup>22</sup> Review of the ICC and the Rome Statute system, ICC-ASP/18/Res.7 (2019)



Two views emerged from the interviews: the first is that the ICC financial framework was not built for Katanga-type reparations. One common remark from non-Registry staff about the process was the perceived stringency of the existing procurement rules, which made it impossible (at least at the onset) to complete the reparations promptly. As one of the officials stated:

“The ICC is not built for grants or giving money to people; it is not built for buying things for people; so, implementing the Katanga reparations was always going to be a challenge” [03-KII-REG-02].

A challenge was that the specific provisions of the Implementation Plan for the Katanga Reparations required handing over cash to 297 victims, as well as purchasing goods under some of the collective reparation packages. “These are not your typical procurement, hence the many difficulties we encountered during implementation” [03-KII-REG-01]. The acknowledgement that the existing rules were not meant to meet the requirements of the Katanga reparation was widespread. How much of this view was taken into consideration is difficult to ascertain. However, as we were reminded during the interviews, there was also a willingness to innovate and find practical and often creative solutions. Examples of the hard work of those involved include cash payments being made to victims as part of the individual reparations without bank accounts or goods such as motorbikes, cattle, and other income-generating activity equipment purchased within a procurement framework developed for the functioning of a The Hague-based court.

The second view was that coordination between the relevant departments was belated and suboptimal. While it is unclear when the first contact was made, interviews from the Registry (including those involved in procurement) claimed this happened several years after the judgment. This will mean no involvement in the design stage of the Draft Implementation Plan. As noted above, the situation was eventually salvaged by implementing both individual and collective awards. Earlier engagement of all parties, especially those with financial and procurement experience, would possibly have saved some time and created clarity.

#### **d) Value for money?**

The specific vendor rules were closely related to the issues of delay and rising prices, which, as we will explain later, seem unintelligible to victims, even if they may relate to procurement protocols. Many beneficiaries of the income-generating activities reported collecting goods that were substantially more expensive than the market value because of an insistence on dealing with specific vendors. This complaint was prevalent among those who chose cattle. One beneficiary explained the situation as follows:

“Indeed, the ICC officers told us that they would not give us the money in cash, but we had to choose the cows for the value of the money...I chose the cows, but the way of making the purchases was not interesting. The choice was compulsory without discussion and there was no postponing the purchases because they told us if we did not take these animals, they [would not] have the time to come back to the market to make another choice of animals. We were forced to take despite the inferior quality of the cattle and especially the price was exorbitant. The cow that should have cost \$200 we bought for \$400. If we were given this money, we would discuss the price with the seller...Because the sellers had discovered that there was a lot of money at the ICC and they had to take advantage of it by raising the price of their cows and

as the ICC agents insisted on taking the cows, we didn't have to argue with them anymore" [38 FGD\_Victim-B, Bogoro].

The victims were clear that the staff involved in the implementation were doing this in good faith. However, it also meant a reduction of their reparation value, as expressed by this victim:

"[The] ICC agents did not know the sellers of the cows, but it was the sellers who got together to raise the price of the cows knowing that the ICC had money. If we were given this money, we would be able to manage it well, we would have [bought] the cows and the medicines to treat them in case of illnesses; on the other hand, we were only able to choose the cows, and this is the difficulty that we had. I had received \$4000 for 12 cows, it was not much, if I bought slowly, I could have more than 12" [38 FGD\_Victim-A, Bogoro].

This was not restricted to victims who chose cows. The criticism was also made by victims who chose other goods, as they felt they were surcharged because they insisted on purchasing their income-generating activity equipment from a specific vendor at a higher price. According to them, this dented their profit margin and reduced the value of their package.

"I am a trader, and a trader buys a commodity to get the profit. Unfortunately, our leaders went to see their customers and accepted their high [...] but buying at that place is at a high price compared to elsewhere, [any] purchase there is not to have profits. I went to buy at that place already chosen by them because I had nothing but if it was optional for me, knowing the different prices of the goods we were buying; we should look where the price is good, and I should have profit beyond the amount received from the ICC. If I received the money after sale of fuel; being below what the ICC had given me, it is because of the expensive price of fuel bought at the place shown by our leaders."

#### SUMMARY

The communication with the ICC/TFV and the legal representative appeared generally satisfactory. 75% of the interviewed beneficiaries explained that they were consulted about the reparations. 70% said that the explanations were "rather clear" to them, and 71% said they received monthly updates. Good communication was said to have helped deal with the significant delays the process incurred. The interviewees uniformly described a long, deep, and key involvement of the legal representatives during the reparations; for victims, the role of the legal representatives often transcended the lawyer-client relationship.

The perceived delay in the implementation of reparations in the Katanga case was strongly articulated by victims during the research and acknowledged in interviews with judges, legal representatives, and TFV and other ICC staff members. The delays were mostly harmful to the victims – a few died without receiving reparations, and many complained that inflation lowered the value of what they eventually received – and frustrating for everyone. The possibility of changing the reparation modality and, even more so, the early delivery of the symbolic reparations were crucial for people to keep adhering to the process despite delays. The novelty of reparations for the ICC/TFV, the related issues with the delineation of interrelated roles of different ICC organs, and the inadequacy of some of the ICC rules (especially procurement) were cited as main factors for explaining the delays, but key actors often disagreed about responsibilities.

Among beneficiaries, there was a sense that some of the reparation package was not good value for money – that the TFV was paying too much for goods and services provided as separation (especially cattle, motorbikes, and houses). The intricacies of the procurement process were mostly unintelligible to the beneficiaries, but the good communication levels seem to have maintained a good relationship and the impression that the TFV was acting in good faith.

### V.2.3. Achieving justice?

The achievement of justice can be approached from different perspectives: it can be seen as a legal question—has a judicial procedure been undertaken in respect of the rule of law and the rights of all parties, leading to an outcome, a fair judicial decision—but it can also relate to a more personal, subjective, sense of justice. We are interested in the latter, which is closely linked to debates on reparations – substantial literature indeed argues that reparation ties into ideas of ‘satisfaction’ with the justice process and a sense of reintegration into society. Decades of research on procedural justice (Thibaut & Walker 1975; Vermunt & Steensma, 2016) also suggest that achieving justice (or reparation) is also often associated with the process through which justice, and in this case, reparations, have been rendered rather than solely with the outcome of judicial decisions.

At a broad, general level, there seems to be a high level of satisfaction when beneficiaries were asked upfront in the survey whether the process was useful, brought justice, and achieved reparation (Table 8). Assessing the extent to which people have achieved justice or reparation through survey questions is, however, a slightly fraught enterprise; questionnaires do not easily allow people to explain what they mean by justice or reparation, which is the crux. There are also issues about the interpretation of some of the answers given: most respondents replied “rather yes” (*plutôt oui*) instead of a firm “yes” to these questions (only 13.5% replied yes on both the justice and reparation questions), suggesting a positive experience but with caveats again. The qualitative material provides a more useful and refined picture of the complex questions of justice and reparation.

**Table 8** Experience with the reparation process

	gender				nature of harm			age		
	all	male	female	diff.	non-material	material	diff.	< 40	≥ 40	diff.
Felt process was useful (-2 to 2)	1.043 (0.700)	0.933 (0.730)	1.141 (0.660)	***	1 (0.542)	1.072 (0.790)		1.090 (0.596)	1.027 (0.734)	
“ ” brought justice (-2 to 2)	1 (0.687)	0.942 (0.702)	1.052 (0.673)	**	1.019 (0.505)	0.987 (0.789)		0.940 (0.756)	1.021 (0.662)	
“ ” repaired (-2 to 2)	1.031 (0.657)	1.017 (0.608)	1.044 (0.700)		1.058 (0.416)	1.013 (0.780)		0.925 (0.611)	1.069 (0.671)	
N	255	120	135		103	152		188	67	

Beneficiaries demonstrated a complex understanding of the meanings of justice and reparation on the one hand and the connection between the two on the other. When asked to describe what they understood as justice and reparations in their circumstance

as victims in the Katanga case, the participants' responses were articulate. Some defined 'justice' as synonymous with the discovery of truth and acceptance of culpability, so the determination of justice depended on the wrongdoer's admission and punishment. One victim stated about justice: "Justice is there to reveal the truth, as what we suffered in Bogoro was not fair: our parents, our children, our brothers and other acquaintances were killed." Another noted: "justice's job is to prove the truth of a matter and to punish or condemn the guilty."

For others, 'justice' is linked not only with truth-telling, admission and punishment but also with reparation: "There is justice only in reparation. That is all!" [14 FGD\_Victim-F, Kasenyi]. This does not, however, mean that beneficiaries necessarily adhered to or expected a 'full' restitution -which was in any case impossible when human lives were lost. Many of the victims showed a clear understanding of the inequivalence between their loss and reparation. One victim gave this allegory:

"Reparation is like your Android phone, and it was destroyed and then the good person buys you a small phone in place of the one that was destroyed that's how I understand reparation." [13 FGD\_Victim-B, Bunia]

Another stated: "It's just for sympathy and consolation because we're not going to get back 100% of what we lost." [36-II\_Victim-01, Kasenyi]. Most victims defined reparations as symbolic compensation from the wrongdoer as part of their acceptance of responsibility.

"Reparation is help that comes from the person who made a mistake by destroying the property of others; like us in Bogoro village, we lost our relatives or family members, our houses, our property and that's how we got the reparation." [4 FGD\_Victim-C, Bunia].

Another person, not a beneficiary, stated:

"I understand that reparation is a symbol coming from the person who hurt you by destroying your goods and to make amends he comes with another small good or more than that in place of what he had destroyed, that's reparation according to me" [22 FGD\_Non Victim-A, Bunia]

Overall, beneficiaries' understanding of reparations as connected to their loss was clear.

"I received this reparation because I lost my husband, my house during the war and at the beginning of the war we thought it was a tribal war but it was politics and we were victims of what we didn't know so I can say that reparation is like a symbol of recognition of any mistake in order to get forgiveness from that person." [13 FGD\_Victim-D, Bunia]

Another stated:

"I understand reparation in the sense that as I had lost my possessions, that they were trying to help me with something to try and relieve me." [07-II\_Victim-01, Bunia]

This articulation of justice and reparations also meant that victims could establish not only the connection between justice and reparations as concepts but also whether and how the reparation received in the Katanga case brought a sense of justice. The most prevalent view was that justice was not yet complete because the reparation process had not been closed yet. As we explain later (see section VI.4), this is because of

expectations about further reparations but also, more importantly, continued insecurity. For a second, smaller, group of beneficiaries' justice was achieved as their loss was recognised, and reparations often confirmed such recognition. Finally, there was no justice and reparation for a third, even smaller group of beneficiaries, either because they believed their loss was too big or because they felt that the conditions for recognising their loss were not in place.

**a) Justice as recognition**

Many victims met during the qualitative focus group discussion claimed to feel a sense of justice because of the recognition of their injury through the reparations process beyond the trial outcome. While some of the responses from victims centred around validation of their harm by the court judgment, most respondents insisted that the intervention by way of reparation on its own, in the face of perceived inaction from the Government of DRC, produced a sense of justice. The idea of recognition is central to understanding what the Katanga reparations produced, and we return to it in section VI. A victim summed up the situation:

"By giving us this reparation, it shows that the ICC has recognised what we suffered even if it is not comparable to what we lost. This is justice." [37-II\_Victim-01, Bogoro]

Another stated:

"Well, I would say that justice was done for me because the guilty parties were first condemned and we received reparation, although the reparation did not amount to half of what I had lost, but it is a symbol that has marked my heart." [15 FGD\_Victim-D, Bunia]

For others, the reparation brought a sense of justice because of the additional material recovery and support they received. One victim encapsulated this view as follows:

"Yes, [there was justice] because the reparation changed my life. During the war all our cows were looted, and I was left with no possessions; during the reparation we were able to recover some cows and my life changed." [08-II\_Victim-01, Bogoro]

Similarly, another beneficiary noted:

"Yes [I felt justice was done for me]. Like others, I benefited from this fund which came at the right time because, after losing my house during the atrocities, I was forced to leave the area to seek refuge in Uganda and on my return to Bogoro, I was assisted, which enabled me to build a new house thanks to this fund" [16-II\_Victim-01, Bogoro]

Another victim agreed:

"Yes, it gave me justice because I saw that the ICC people sent my children to school, they helped me, and Germain had been sentenced for what he had done in Bogoro." [4 FGD\_Victim-D, Bunia].

For a minority, however, the fact that Mr Katanga had not admitted to the crimes, including the killings of their loved ones and destruction of their property, meant that even with the reparation, there was no sense of justice.

"I say that there was no justice because it was Germain Katanga who was accused as a war criminal, but in The Hague, he denied everything and said that he was sent by others, but we are victims because we have suffered the consequences of this war" [28-II\_Victim-01, Bogoro]

For some, their loss was such that they questioned the fact that Mr Katanga was already released at the time.

"No, this reparation has not done justice because those responsible for these crimes should be in prison until now, but this is not the case and in addition we lost a lot during this war." [37-II\_Victim-01, Bogoro]

## **b) Justice as closure**

Conversely, some interviewees stated that the reparations did not bring them a sense of justice because they were incomplete. Those in this category seemed to allude to two main points, which we will discuss further in the report: continued insecurity and expectations of further reparations. Some of the views on security and reparations are represented below:

"The reparation did not bring us our justice; it was only an aid that was not up to the level of what we had lost. The real reparation is to finish the war so that we can go back home. Until today we don't know when to go back home because of the insecurity ...the most important reparation is the peace in the different communities" [2 FGD\_Victim-E, Bunia].

"This reparation did not do me justice because I thought this reparation could help me but the security situation in our country is bad and I lost again for the second time [when we were attacked and property looted], and this made me think again of my property that I had lost the first time [...] No, it didn't do justice. Yes, we received reparation, but justice is not yet done because the situation in 2003 continues to get worse and worse." [15 FGD\_Victim-E, Bunia]

Most victims expressed a strong feeling of insecurity, casting a long shadow on the meaningfulness of reparations and drawing strong comparisons between 2003 and present day. Almost all rated security and peace above the reparations they received.

Others conditioned the sense of justice upon the expectation of further reparations. The expectations of additional reparations - specifically calculated to represent two-thirds of the value of the present reparation - were a recurring and dominant theme in the individual interviews and focus group discussions. We will return to it, but it can be traced back to beneficiaries explaining, as this participant to a focus group, that:

"the ICC had given us the documents where there were 2 million, but we were served one million, we want to know when we will get the rest?"

For many, assessing whether the present reparations brought a sense of justice was dependent on receiving the "remaining" reparation. One victim stated: "We are waiting for the phase B reparation to confirm justice." [2 FGD\_Victim, Bunia]. Another noted:

"There was no justice in this reparation, because at the beginning we had prepared our psychology by saying that there remains a part of the reparation to the ICC and what we had been given was only a quarter. We are waiting for this promise to be realised to confirm this justice" [22 FGD\_Victim-B, Bogoro]

For most interviewees, the reparation process is far from finished, and our survey confirms this: 69% said they still expected to receive more reparations as part of the process. This figure slightly drops to 52% when excluding those who said they expected psycho-social support (not delivered by the time of the research) or housing support (not fully completed by the time of the research).

**Table 9** Reparation expectations

Reparation type	percentage
money	42.35%
cattle	23.14%
school support	5.10%
housing	13.33%
psycho-social support	14.51%

### c) Justice as an impossibility

Finally, there were those who felt the reparations did not bring any sense of justice. Although this group is small, it is still important to represent the various points of view of interviewees when discussing the relationship between reparations and sense of justice. It is also important because those are some of the victims who lost family members.

“The reparation we got but it didn't bring us justice considering what we had lost, there are other things that can't be repaired like me my husband and children died during this war do you think it will be repaired?” [4 FGD\_Victim-D, Bunia].

Divine justice was regularly invoked as influencing feelings of justice or continued insecurity: “It is God alone who can bring about justice.” [9-II\_Victim-01, Bogoro]. Another stated: “it is God who had protected us [so far]. The killings are still operational in our area...” [22 FGD\_Victim-B, Bogoro]

#### SUMMARY

At a broad, general level, there seemed to be a high level of satisfaction when beneficiaries were asked upfront in the survey whether the process was useful, brought justice, and achieved reparation. The overwhelming sentiment is that the process *rather* delivered, suggesting caveats but also some satisfaction. A key element, echoed by many victims, was that the trial and, even more, the reparation provided a sense of justice because of the recognition of their injury, which no domestic or aid-led initiatives had managed to do.

The most prevalent view was that justice was not yet complete because the reparation process had not been closed yet. This is because of expectations about further reparations but also, more importantly, continued insecurity. For a second, smaller, group of beneficiaries' justice was achieved as their loss was recognised, and reparations often acted as a way of confirming such recognition. Finally, for a third, even smaller, group of beneficiaries, there was no justice and reparation, either because they believed that their loss was too big or because they felt that the conditions for recognising their loss were not in place.

### V.3. Effects of the reparations

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This subsection considers the possible effects of the reparations on four areas of the lives of the beneficiaries that were disrupted by the experience of the attack: (1) livelihoods, (2) psycho-social situation, (3) community cohesion and integration, and (4) access to services, including justice. We rely on the comparison between beneficiaries and non-beneficiaries which we mentioned earlier. The main results are presented in graphical form for the sake of clarity. We also seek to qualify each of the findings, using the qualitative data to try and understand the causal pathways and triangulate the results.

The main graphical presentation of the survey data shows the estimated difference between the beneficiaries and control categories (see our methods section). The brackets above the two bars, each presenting the situation in one group (beneficiaries and control group), indicate whether there is a statistical difference between the two groups -i.e. the likelihood that the difference is a statistical fluke: "not. sig." indicates no statistical difference, one star (\*) that the difference is significant at the highest conventional level (p-value lower than 0.1), two stars (\*\*) at a lower value (p-value lower than 0.05), and three stars (\*\*\*) at an even lower value (p-value lower than 0.01) and therefore the least likely to be just "pure luck". We use a model where we control for a set of variables that may influence the various outcomes: gender, age, education, location, and type of harm suffered.<sup>23</sup>

In the appendix, we show this model as well as three other statistical specifications - simple OLS, kernel-based propensity score matching, and nearest neighbour propensity score matching)- as is common practice in quantitative evaluations. The aim is to ensure that the findings are robust to different assumptions one could make in terms of what to account for (or not). Each model reflects different hypotheses: (1) the simple 'OLS' model is the simple difference in means between the two groups, without any controls; (2) the propensity score matching is a technique that seeks to more tightly control for this same set of control variable (by generating a propensity score and matching beneficiaries and non-beneficiaries on that basis); and (3) the nearest neighbour matching is a different approach for performing such tighter control this time by pairing beneficiaries and non-beneficiaries based on their similarities. Propensity score and nearest neighbour matching are valuable tools for reducing bias in observational studies, but they are no perfect answer to the difficult question of whether a formal causal relationship can be established between the observed difference and the intervention -in this case, the reparations.

Small to moderate differences were found between the group of beneficiaries and the 'control group' and may be caused by the reparation process. Firmly establishing a causal link is challenging and rests, among others, on hard-to-verify assumptions about the comparability of the two groups before the reparations (the 'parallel trends' hypothesis). Qualitative data helps us further probe the validity of causal claims, as does the ongoing statistical analysis that tests different specifications and scenarios. The results below should be interpreted as the main trends.

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<sup>23</sup> Formally, our estimates are  $\beta$  in the model:  $\text{outcome} = \beta \text{ category} + \gamma \text{ covariates} + \epsilon$ , where category is a binary variable taking the value 1 when the individual belongs to the beneficiary group. The effects are the marginal effects after estimation (margins command in Stata).



### **V.3.1. Livelihoods**

Livelihoods are a central dimension of reparations: income-generating activities amounted to close to a quarter (USD 229,000) of the 1-million budget, and the Reparations Order was explicitly motivated by the need to support the development of new income-generating activities (or the restoration of past activities) and help victims improve their socio-economic living conditions. We explore livelihoods through two sets of survey data: (1) economic struggle, economic activity, and wealth (as a proxy for income) and (2) the subjective perceptions of material well-being over time.

Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text and section V.1 for details about the indicators.

Figure 6 suggests a possible small negative impact of the reparation process on the likelihood of incurring catastrophic expenditures<sup>24</sup> and resorting to other extreme measures to make ends meet. “Struggling in the last fortnight” is a binary variable taking the value one if the person said their household had to resort to extreme measures such as selling assets, borrowing money, engaging in illegal activities, etc. just to make ends meet in the last fortnight. The food insecurity variable is coded 0 to 3, with 0 no time when the household struggled to have food to 3 if the household said they struggled daily (in the last fortnight). These results suggest that beneficiary households have slightly higher chances than non-beneficiary households of avoiding precarity. We do not, however, find any evidence that the beneficiaries are more or less likely to engage in income-generating activities than individuals from the control group (a difference exists, to the disadvantage of the beneficiaries’ group, when looking at raw numbers, but it is not robust to adding controls or matching).

Our indicators of wealth—the number of cows, an index based on the materials in which the roof, floor, and walls of the house, and the sum of key valuable items the household possesses—are not different between the two categories. One possible explanation, which we will return to later, is that violence seriously affects the durability of IGA and transferred material assets. There were strong emotions from beneficiaries who have lost their income-generating activities due to continued insecurity. One victim complained:

“They didn't give us this money in cash, they refused, they asked us to choose something in kind and I had chosen the cows and they bought me the cows and I left with these cows. By leaving with these cows, they didn't last long, the war came back, and all my cows were looted, for the moment I'm unhappy, I have nothing.” [2 FGD\_Victim-E, Bunia]

We interviewed several beneficiaries who had become victims of the continued insecurity in the region, including the further loss of income-generating activities. A victim living near Bunia stated:

“Yes, [the reparation has helped] only a little bit but we continue in the atmosphere of the war. As I am a breeder, the number of my cows [from the reparations] had increased and I was able to sell other cows to meet the needs

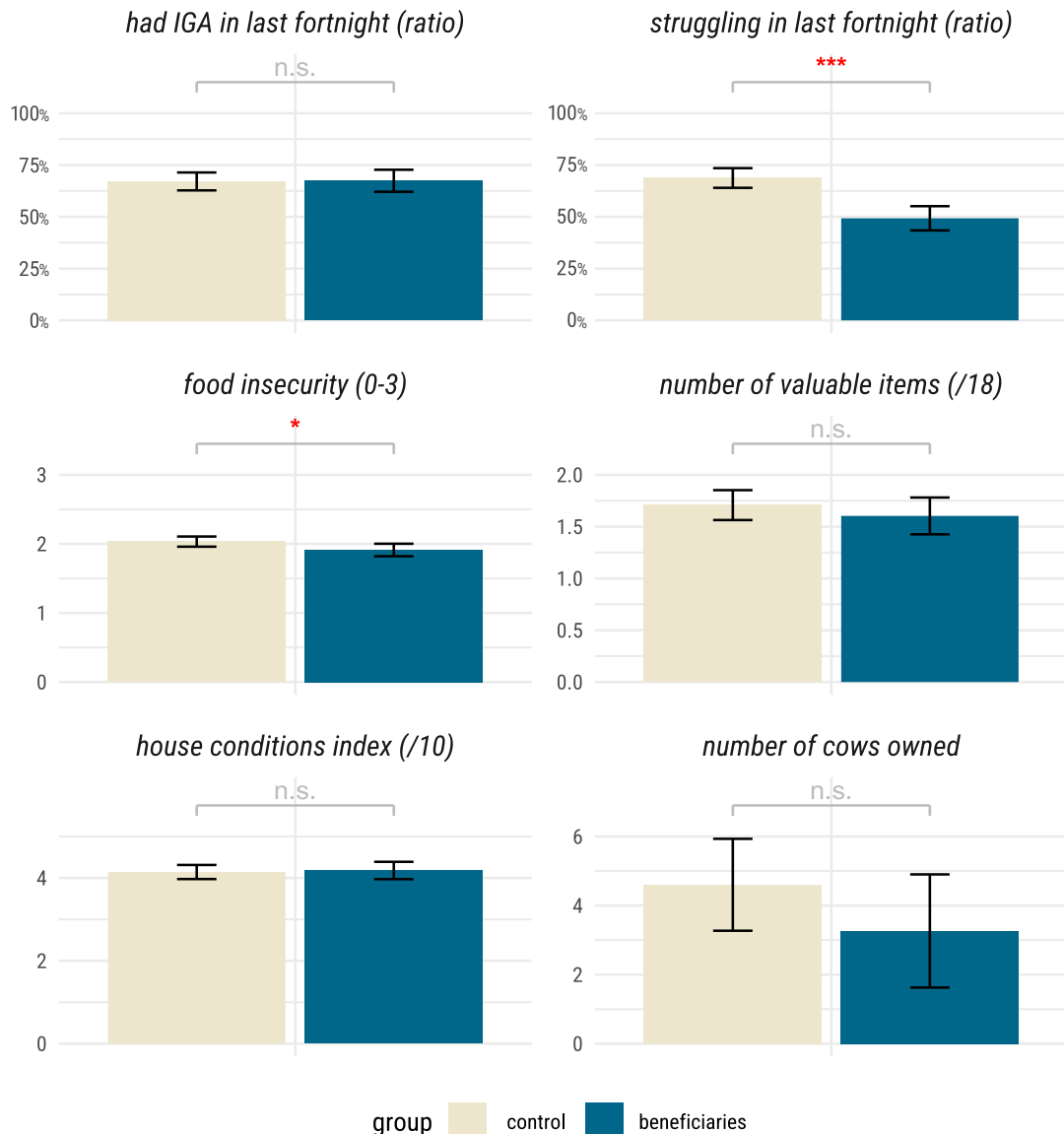
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<sup>24</sup> A concept mostly used in healthcare which we use to denote a situation of fragility where an individual or household incurs significant and often unexpected health, housing, or education costs that exceed their ability to pay, resulting in severe financial hardship (e.g., selling assets, moving house, putting children to work).

of my house and my family. I had even paid my children's school fees, but when the war came to the Mongbwalu township, precisely in the Blankete district, the CODECO militiamen left with all my cows." [4-II\_Victim-01, Bunia]

Another victim expressed a similar sentiment:

"I had received five cows and as I didn't have a farm, I had put them in another person's farm when the militias came and looted everything." [15 FGD\_Victim-D, Bunia]



Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text and section V.1 for details about the indicators.

**Figure 6** Difference between beneficiaries and control group: livelihoods

Small differences are visible when comparing types of beneficiaries (exact effect size not shown here; see appendix for details): individuals who suffered the loss of assets report a higher number of belongings than those who did not (and this result is also statistically significant when comparing to the control group). At the same time, the effect on “struggling” is only significant for the victims who did *not* suffer loss of assets. This may suggest different patterns in investing and using resources from the reparations. One hypothesis explaining the difference between the two groups is that those who had not suffered the destruction of their productive assets could use the reparations (monetary and non-monetary) to develop their economic activity and cope with earlier shocks. In contrast, those who had suffered from the loss of their productive assets did not manage to use the reparation to their fullest extent - they re-started some economic activity, but shocks soon forced them to sell goods and assets again. The qualitative data provides some evidence supporting these hypotheses.

Indeed, different patterns are found in the data. There are instances where the reparations helped restore a sense of social status and dignity, and the development activity, for instance in this case where the beneficiary explained what happened with their cows:

“Because I have cows and that will multiply and I can get other things, there is some joy... [...]... Because I have a farm, there will be milk that they will come to buy and others who can't afford it will come and ask, so you are important in society.” [38-II\_Victim-01, Kasenyi]

These examples are not only related to cows and cattle, as this other example shows:

“Yes, I already told you that since I started working as a taxi driver, the situation of my family has improved a bit, my children are no longer chased [out of] school, I have good medical care.” [9-II\_Victim-01, Bogoro]

There are also numerous examples of the assets provided by the TFV being sold to cope with emergency needs and the US 250 being used for that purpose. A woman in a focus group explained:

“First of all, the fund gave us the money for the business, but my business had not grown because after I received the money my grandson had died so the money was used for mourning and so my business could not grow. ” [15 FGD\_Victim-D, Bunia]

While another one shared another, sadly typical, example of catastrophic expenditure:

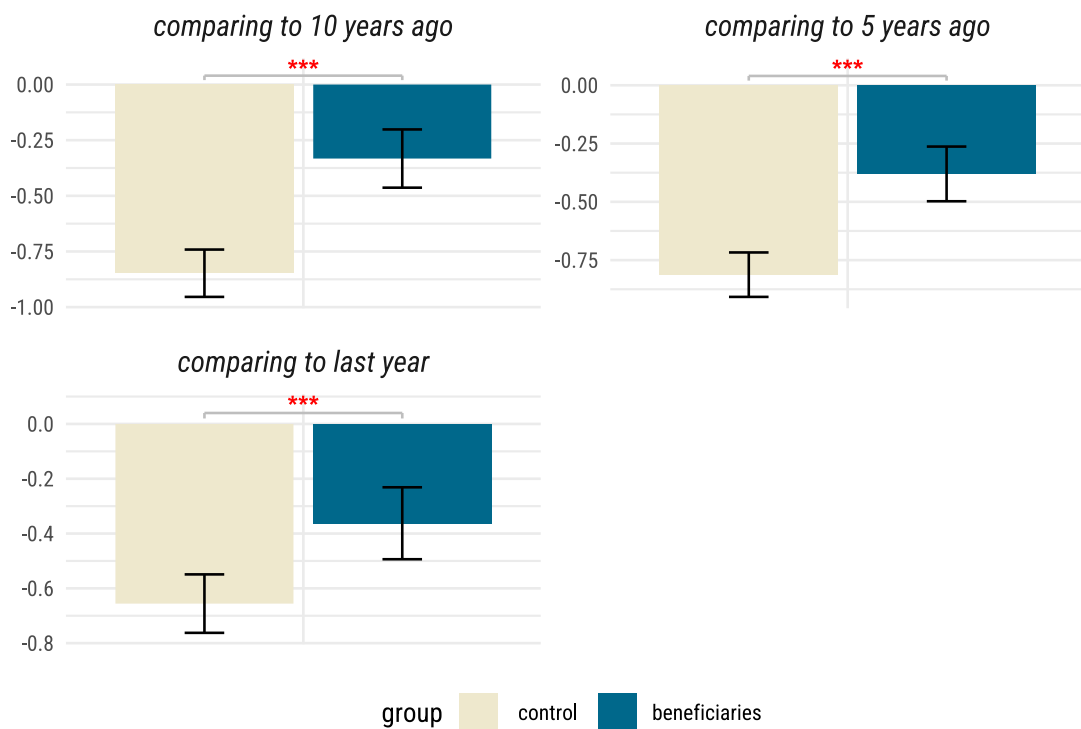
“No it [the reparation] was not satisfactory because what I received was not what I wanted but nevertheless it helped me to pay the rent, I sold this merchandise and I earned some money to be treated in the hospital.” [4 FGD\_Victim-D, Bunia]

In a few other instances, the story seems to be a more typical story of business initiatives failing or simply not kicking off, as in these two examples, the first one from a man, the second from a woman:

“Actually it's up to you to choose, as I needed to open a shop, that's why I was given 65 bags of rice and I went with this merchandise into the bush, to the gold quarry, nothing worked because the population was on the move and their purchasing power was low and I went bankrupt.” [31 FGD\_Victim-A, Bogoro]

“The victims' fund had helped me with merchandise, i.e., the pieces of loincloth that I sold at the market, but as it was not bought, this trade had not evolved.”  
 [15 FGD\_Victim-D, Bunia]

Our second set of indicators focuses on the perception of livelihood having improved: it comprises the 5-item Likert scale answers to the three questions “comparing to 1/5/10 years, how has your situation changed?” (Figure 7). The question is coded from -2 (deteriorated a lot) to 2 (improved a lot). The beneficiaries systematically scored higher on these three questions - on average, they still declared that their situation had deteriorated, but less so than those in the control group; interestingly, the effect grows when the period of reference is earlier in time, which may be explained by the fact that ten years ago the trial had not started, five years ago the reparations had not started, and last year the reparation had started - in other words the earlier in time the less the exposure to the overall justice and reparation process. These effects are significantly stronger among beneficiaries aged above 40 (see appendix).



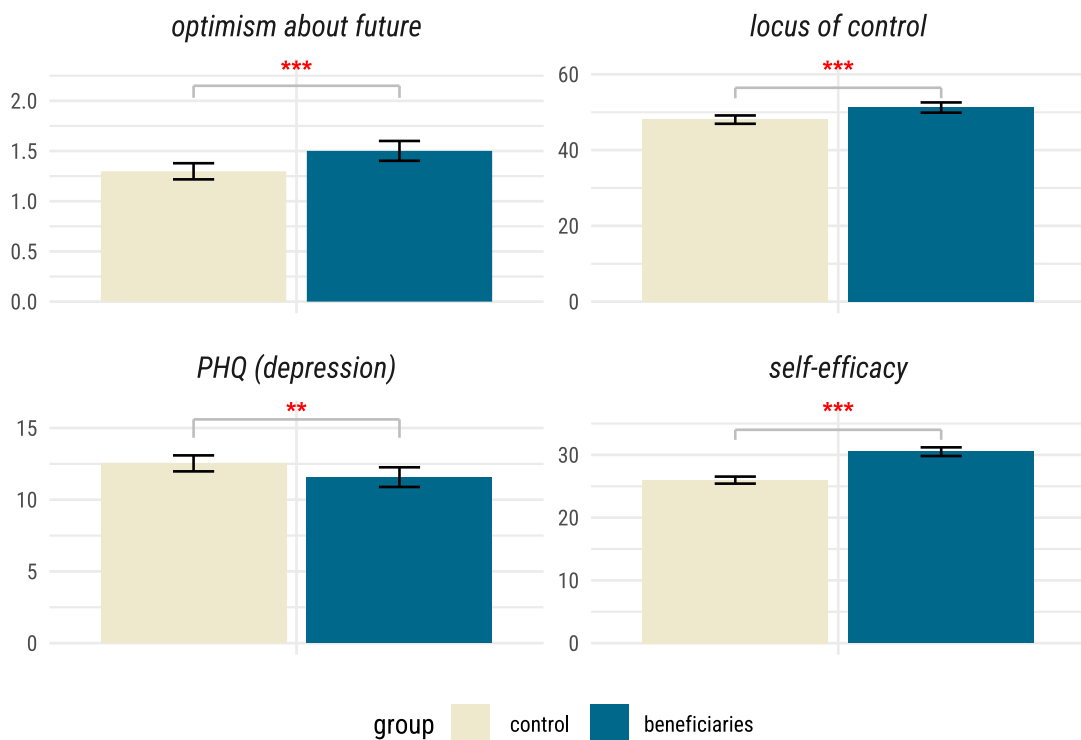
Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text for details about the indicators.

**Figure 7** Difference between beneficiaries and control group: perceived livelihoods

### V.3.2. *Psycho-social dimension*

The reparation process seeks to help victims fully access ‘justice,’ and typically includes dealing with trauma and recovering some sense of agency and pride. The psychological support provided by the TFV is described as a critical part of this process. It had not started by the time of our study. It is, however, not the only anticipated part of the reparation ‘package’ that can affect the psychology and mental health of the beneficiaries.

Our survey considered three psycho-social dimensions using robust instruments that have been used in numerous studies: (1) mental health through the lens of depression (the PHQ-9 index mentioned earlier); (2) a ‘locus of control’ index, which seeks to assess the extent to which a person sees themselves in control of their lives; and (3) an index of self-efficacy, which is the belief that one can complete a task or achieve a goal. We also considered a question about aspirations and how people project themselves: “In the future, compared to today, do you think you will be more or less happy (4-point scale)? There is a difference between the beneficiaries and the control group in terms of the PHQ-9 index (which is not totally robust; see Appendix) and even starker differences in the self-efficacy and locus of control indexes. There is also a clear effect in terms of projected future happiness, which is correlated to one’s sense of control and self-efficacy (e.g. Caprara and Steca 2005).



Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text for details about the indicators.

**Figure 8** Difference between beneficiaries and control group: psycho-social indicators

These effects are not statistically significant when breaking them down by gender (see appendix), but the changes in self-efficacy and locus of control are significantly stronger among the beneficiaries who did not suffer material loss.

The qualitative data we described earlier has already highlighted the importance for victims of having their harm recognised, the perpetrator's harm condemned, and receiving support to live their daily lives. For many beneficiaries, receiving reparations helped them to move on with the lives, as one female beneficiary explained:

“Yes [the reparation] is important for me. First of all, when I lost everything I had, I was traumatised. I missed the person I wanted to tell all my worries and problems, but when the ICC came and told us that they would take care of us, and they would help us with this reparation, it relieved me; it took away other viruses and grudges that were in my heart. When I received this reparation, this trauma was over; this reparation was really important for me because it took away the bad thoughts and worries that I had in me. I don't think about that anymore.” [15 FGD\_Victim-E, Bunia]

Another victim stated:

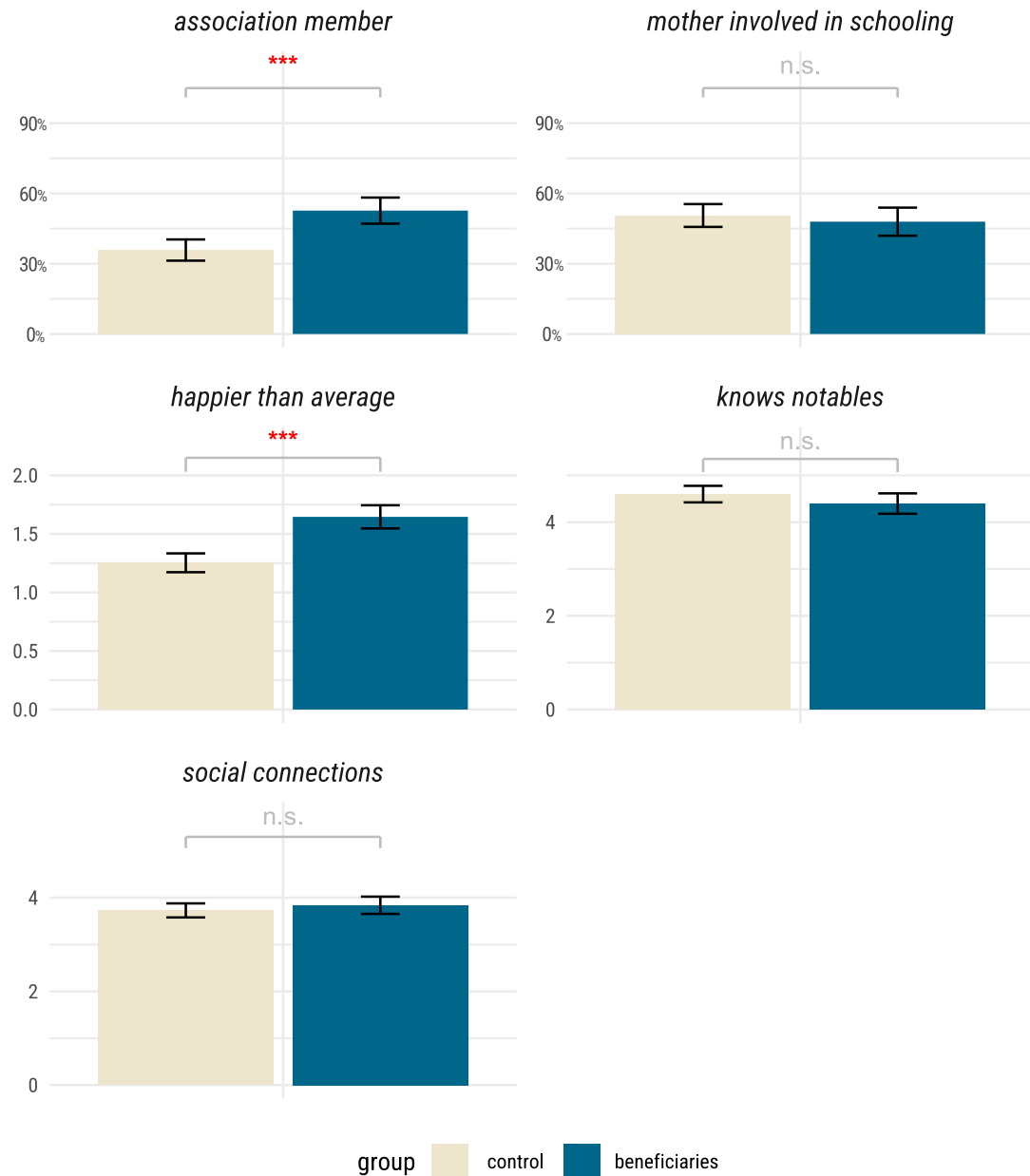
“Yes, this reparation helped me mentally. I was already disappointed in life after this war, seeing the relatives I had lost and my property, I was traumatized, but when we were given the 250\$ it helped me a lot.” [4 FGD\_Victim-B, Bunia].

### ***V.3.3. Social life and trust in institutions***

The massacre, looting, and destruction in Bogoro also disrupted social life. Our survey considers two sets of variables to try and understand how the reparations may have contributed to improving the social lives of beneficiaries.

The first set of variables considers the local integration of beneficiaries in their communities and intra-household dynamics. We find that beneficiaries are more likely to consider themselves happier than other community members (the variable is coded from 0 to 3, with 3 being much happier) and to be involved in local associations –mostly farmers and women associations. We also find that beneficiaries are not more likely to report more social interactions with their neighbours or connections with local notables than the control group. At the household level, our main indicators of dynamics related to gender and whether mothers are involved in decisions related to the schooling of their children (Anderson, Beaman, and Platteau 2018) : we find no substantial difference between beneficiaries and the control group (in both cases, mothers are involved in about half the cases). Overall, we see little to indicate that beneficiaries are more or less integrated into local communities than people who have suffered similar harm but have not benefitted from reparations.

The qualitative data supports these findings. Respondents generally reported feeling a sense of community because of the reparations process. Victims commented on how regular sessions organised by the LRV and TFV staff offered opportunities to share problems and consolation tips with co-victims, forging new friendships and building coping mechanisms together. One victim noted: “yes, we had this feeling [of community] that sometimes you put yourself in the place of the other person who had lost much more, you go and cry together”. Similarly, most respondents replied negatively when asked whether the reparations had a positive or adverse effect on community relations with non-beneficiaries.



Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text for details about the indicators.

**Figure 9** Difference between beneficiaries and control group: social cohesion

While a small number of beneficiaries stated that they felt non-beneficiaries were “jealous” of them; and a similar number of “non-beneficiaries” expressed feeling “a bit envious” of beneficiaries, the prevalent view was that the bond of community was stronger than any benefit of reparation. As a person who said they suffered from war crimes but are not a TFV beneficiary put it:

“No [there was no division]. Of course, they had received the reparation each one continued to use his help (money) as he saw fit but there was no jealousy on my side, we continued to establish fraternal relations until today, we live

well... no way to talk and have rancour against them because they are our brothers. The war had found us together in Bogoro." [6 FGD\_Non-beneficiary-A, Bunia]

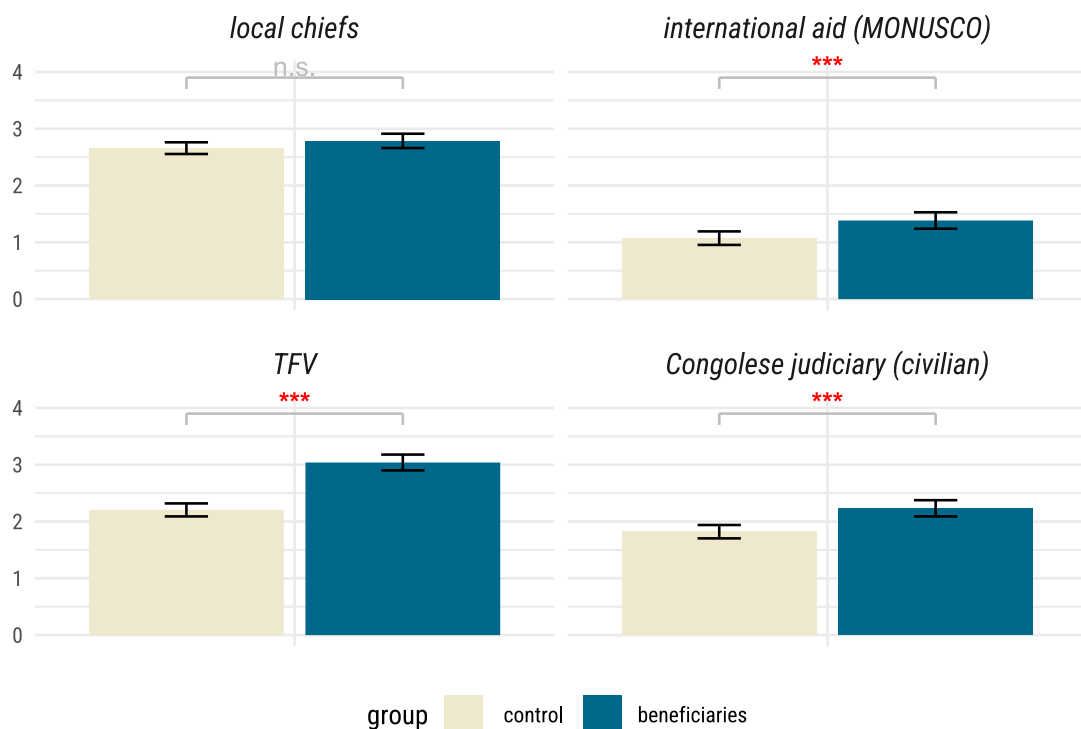
Another one in the same focus group noted:

"We have always kept our fraternal relations with them, they [beneficiaries] have also encouraged us maybe for the second time, we are going to benefit. There are not two groups of beneficiaries and non-beneficiaries; that does not exist between us the nationals of Bogoro." [6 FGD\_Non-beneficiary-F, Bunia]

Whether from beneficiaries or non-beneficiaries, the overwhelming majority of respondents expressed a sense of community that not only predated the war and reparations, but that continued to exist among Bogoro residents.

"The reparation here cannot divide us with others. The brotherly love that we had with others like the Ngiti, the Lendu, the Bira, even with those who threaten us today from the militia of the Bira tribe called "chini ya kilima", we are still brothers. We will not be separated, we will always continue to live together." [2 FGD\_Victim-D, Bunia]

The second aspect of social life is the victims' relationship to a series of institutions. We asked a simple, straightforward question: "how much do you trust each" institution, ranked from 0 (not at all) to 4 (a lot).



Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between groups | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text for details about the indicators.

**Figure 10** Difference between beneficiaries and control group: trust

The results show beneficiaries are much more likely to trust almost all actors than the control group. The difference is, expectedly, strong when it comes to the ICC/TFV but



they are also significant and robust when it comes to NGOs, the MONUSCO, and civilian courts - all actors that are practically (MONUSCO, international humanitarian NGOs) or conceptually (courts) connected to the TFV (see Figure 10 for the robust results, the rest is in the appendix). The difference is also noticeable when considering different levels of Congolese governments and military courts, but they are less strong and not robust to all alternative specifications (see Appendix). The bulk of this effect appears to be driven by victims who did not suffer the loss of assets (see Appendix).

The findings on trust are echoed in the qualitative data, which showed strong trust for the TFV (and ICC broadly), while expressing less confidence in the DR Congo Government. Often, victims discussed trust in relation to their war experiences, such as the Katanga trial in The Hague and the reparations, as well as continued insecurity. For the former, most victims expressed trust in the ICC-associated institutions - victims did not differentiate between the Chambers, TFV, and legal representatives.

It is worth noting that a substantial number of non-beneficiaries also spoke positively of the ICC despite not benefitting materially from the TFV.

"We have confidence in the ICC, because it is the one that has intervened for the massacres. If it did not intervene on our side, we would not have [had] the means. It has been able to find the perpetrator of the massacres and repair the victims with what they had lost during the war. We have confidence in them." [3 FGD\_Non-beneficiary-D, Bunia]

"We have confidence in the ICC because the trial of Germain Katanga and Matthieu Ngudjolo succeeded thanks to the ICC. They were free here, nobody was prosecuting them, but it is the ICC that succeeded in judging them. After this judgment, the victims found themselves repaired." [5 FGD\_Non-beneficiary-A, Kasenyi]

For many, this trust in the ICC was also extended to international NGOs and institutions such as MONUSCO. One victim noted:

"We have a bit of trust in NGOs because the water we drink here in Bogoro was the spring built by NGOs, the houses we have today were built by NGOs. So, we have a bit of trust in NGOs." [31 FGD\_Victim-E, Bogoro]

Another victim stated:

"I trust NGOs especially for what they have done here in Bogoro, they have built drinking water sources, distributed seeds. What disgusts us about NGOs is that they often arrive when there is damage, they wake up to help, and even talk to our enemies and collaborate with us, we find that the NGOs are also accomplices in this matter of insecurity." [31 FGD\_Victim-B, Bogoro]

However, many interviewees were suspicious of NGOs, calling into question their neutrality and their relationship with armed groups. A prevalent view is captured by one victim who said:

"We trust NGOs because they help us a little bit at one point they came here and gave us food as displaced people but their fault is that on Friday they came to our house here in Bogoro they even bought water to drink here, but we stopped them with ammunition that they were going to supply the ADF Nalu towards Kainama (towards North Kivu) that's why we see that NGOs are

deceiving us with food or, they are also behind these insecurities." [31 FGD\_Victim-D, Bogoro]

Another victim stated:

"For the NGOs we have some trust because the NGOs help us with water, seed and other things or food, but on the other hand the NGOs are also complicit in killings that happen here, that's why understanding the current affairs is too difficult." [2 FGD\_Victim-C, Bogoro]

Victims shared a similar sentiment when asked about their trust in MONUSCO. While a few interviewees expressed some trust, the vast majority stated low confidence in MONUSCO, because they failed to intervene militarily to stop attacks. On the positive side, one victim said:

"I have some confidence in MONUSCO even if people talk about them, but since they have been here in Bunia, they have protected us. Although in other areas they are chased away, I think they are doing a good job and I also trust the UNHCR, which has built houses for us." [3-II\_Victim-01, Bunia]

The majority of interviewees expressed less confidence in MONUSCO, with most providing blunt responses, summarised as this answer from one of the victims: "No, MONUSCO, I don't have even the slightest confidence in it." [22 FGD\_Non Victim-D, Bunia]. Others provide some context for their lack of trust in MONUSCO, and they are all based on continued insecurity.

"I had my field which is close to MONUSCO. The day the Lendu militias entered this area, even if you were killed and MONUSCO, the white man, was on the spot observing, it is not going to do anything to save your life even though they have weapons, I don't even trust MONUSCO." [13 FGD\_Victim-B, Bunia]

The mixed about trust was not only directed at international actors, interviewees had even stronger views when asked about confidence in national authorities. The overwhelming view was a lack of trust in the Government, which was connected to both the failure to recognise past harm and the inability to stop the continuing violence. One victim stated the reason for not having trust in the Government:

"Because the government did not react to the crimes we suffered here in Bogoro, in the East of the country we are suffering but the government does not take it into account; it leaves us like that running away. I am talking to you, all my family is in Uganda since 2017, we had returned in 2005 after fleeing the war in 2002... but in 2017 we fled again. I am still alone that is to say the security is not total." [13 FGD\_Victim-E, Bunia]

Others simply responded: "We don't have confidence [in the Government] because there is insecurity everywhere in Congo." [31 FGD\_Victim-A, Bogoro]

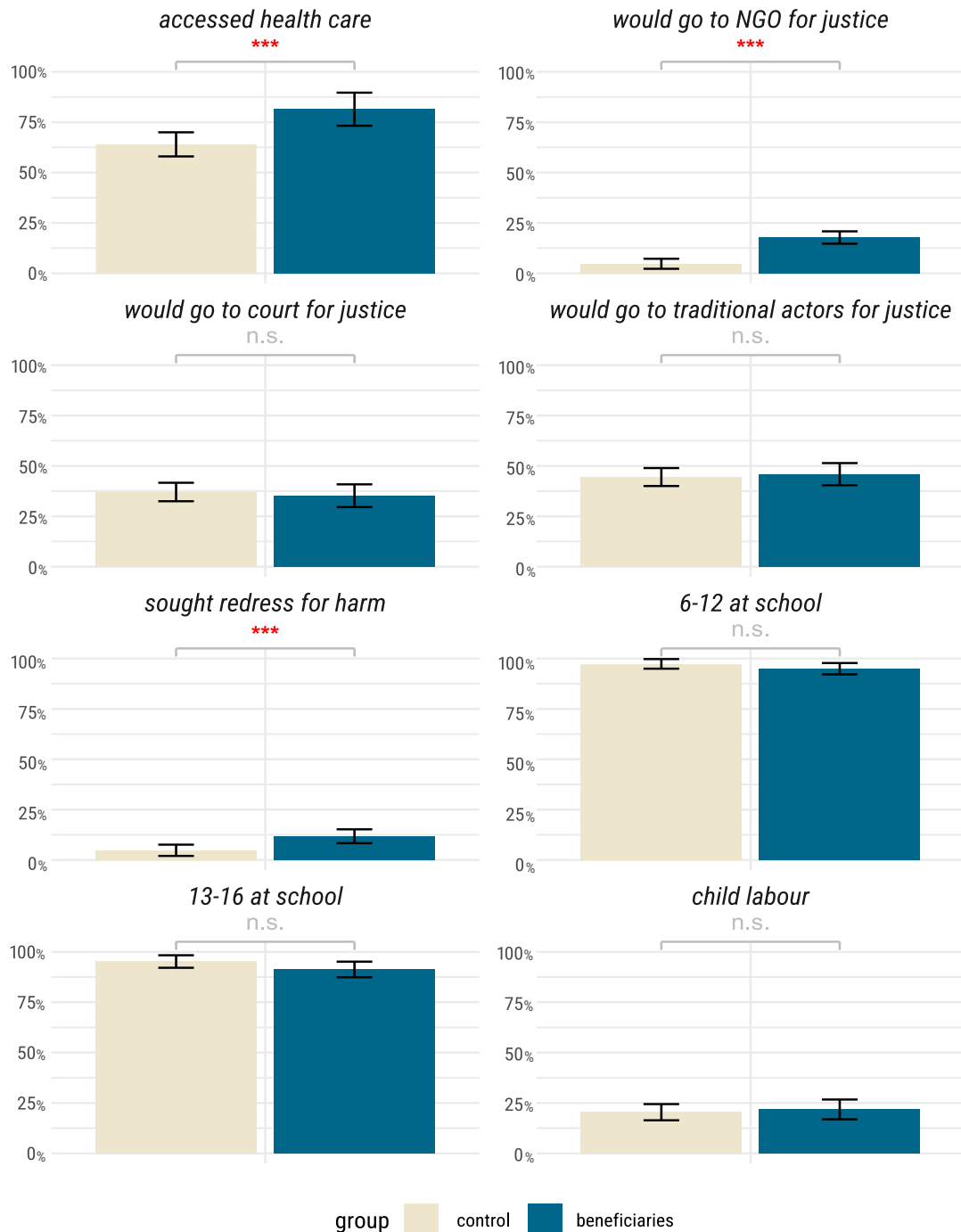
A small group of respondents expressed trust in the government, borne out of resignation, and hope for the government's ability to restore peace and security. As one victim put it:

"Well, I have confidence in our government because it is the father despite some disappointments because of insecurity. We have nothing to do we know one day there will be peace, as we were in Bogoro. We are [now] in Bunia

because of insecurity, we have the faith to return one day to our home.” [6-II\_Non beneficiary-01, Bunia]

**V.3.4. Access to services**

Finally, we consider the beneficiaries' access to basic social services.



Note: vertical error bars are the 95% confidence interval | horizontal brackets indicate the level of statistical difference between group | n.s.: non-significant; \*: p-value < 0.1; \*\*: p-value < 0.05; \*\*\*: p-value < 0.01). | See text for details about the indicators.

**Figure 11** Difference between types of victims: access to services

This set of results needs to be considered carefully as it is conditional on individuals indeed requiring access to services. By definition, all of them suffered substantial harm and required access to justice, but not all have children in school age, and not all were in need of health-care recently (the survey asked for the last six months). The sample of beneficiaries is, for instance, 50% smaller for the case of health care.

School fees were part of the ‘menu of options’ the beneficiaries could choose from, but we do not find strong evidence that, on average, children from beneficiaries families were more likely to attend school - the number of beneficiaries was small and primary education was made free (or rather ‘freer’, Falisse et al. 2022) in the DRC in 2019, meaning that it is not entirely surprising not to find strong results. Access to health care and justice are significantly better for the beneficiaries. In the case of healthcare, this is related to financial means since the lack of money is pointed out as the main reason (80% of cases) for not accessing healthcare when needed. In the case of justice, we see that beneficiaries are more likely to say that they would seek redress for other harm and also seem slightly more likely, albeit this result is not robust to all specifications, to go to an NGO in case they suffer some prejudice. They are, however, not significantly more likely to go to the court or the police -these results are in line with our findings on trust institutions that we mentioned earlier.

The qualitative data supports these findings. Many beneficiaries indicated they could go to the hospital or seek medical care because of the reparations. Although most of them admitted that they had to either use the money from the individual reparation or sell goods from the collective reparation, beneficiaries were, nonetheless, more likely to access healthcare services. One female beneficiary summarised it:

“What I received... helped me. I sold this merchandise, and I earned some money to be treated in the hospital.” [2 FGD\_Victim-D, Bunia].

Another beneficiary, a lifelong farmer, stated:

“Yes, I had a farm [to keep the calves I got from the reparations], but when I got sick, I sold all those calves to get treatment.” [2-II\_Victim-01, Bunia].

A male beneficiary who described himself as unemployed expressed a similar view :

“I chose the motorbike so that this motorbike could help me, but I got sick, and I sold it, and this money helped me with medical care.” [13 FGD\_Victim-A, Bunia]

#### SUMMARY

To assess the effects of the reparations, we compared the beneficiaries with non-beneficiaries who suffered similar harm at a similar time (but did not benefit from a reparation process). Interviews and focus group discussions complemented this work.

We find evidence suggesting a small negative impact of the reparation process on the likelihood of resorting to extreme measures to make ends meet and the risk of households being unable to meet their food needs. Overall, the effect of the reparations on income-generating activities and assets remains limited; the goods provided were often used or sold to smooth consumption and absorb shocks in a context still marred by violence. There are instances where the reparations helped restore a sense of social status and dignity, and the survey data show that beneficiaries are less likely than non-beneficiaries to say that their situation has deteriorated compared to ten, five, and one year ago.

There is a clear sense that the reparation process, even before its psychosocial component was implemented, helped the victims cope with loss and trauma. The qualitative data highlighted the importance for victims of having their harm recognised, the perpetrator's harm condemned, and receiving support to live their daily lives. The survey suggests that beneficiaries had a higher locus of control (sense of being in control of one's life), a sense of self-efficacy, and optimism about the future. They were also slightly less likely to exhibit some symptoms of depression.

The data suggests that social life was also affected by the reparations. Beneficiaries often reported feeling a sense of community due to the process. Compared to non-beneficiaries, they tended to be more involved in associations and declared themselves happier than average. However, there is no evidence that they developed more social connections, accessed social services more, or that gender roles changed. Overall, the main impact on social life is likely that beneficiaries appear to trust core institutions –the judiciary, government, and international actors– more than non-beneficiaries. These institutions are generally not highly trusted, and the reparations may have improved the situation.

## VI. DISCUSSION AND FURTHER ANALYSIS

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This section goes back to a few cross-cutting issues that have emerged throughout the analysis and constitute key aspects of the Katanga reparation process. They need to be fully comprehended to not only understand the effects of the reparation but also to put it in perspective and start answering the question: “how can the assessment of the Katanga reparation process inform other reparation processes?”.

### VI.1. On the identification of beneficiaries

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As it focussed on one precise attack (albeit lasting an entire day and consisting of repeated assaults), the Katanga trial only recognised a limited of victims among those who suffered from the exactions of Germain Katanga and his militia—with significant consequences.

On the one hand, this focus creates, as we described, tensions as some people who self-identified as victims of Katanga—often in relation to exactions different from the Bogoro attack—felt excluded from the process, and so did people who suffered from the exaction of other armed groups. At the same time, our research suggests that those who self-identify as victims but did not benefit from the reparations are not significantly worse off than other individuals who suffered from the violence of armed groups (and did not benefit from reparations either). However, and rather unsurprisingly, self-assessed victims said that the reparation process did not bring them any sense of justice. As one of them explained:

“My justice has not been done, because I have not received reparation even though I lost all my belongings that I had, my relatives (family members) died at that time of the war, but we have not yet been given the consolation money.”  
[14 FGD\_Victim-A, Kasenyi]

Another said:

“No, our justice has not yet been done because I have not received reparation, although I am also one of the people who lost their property during the Bogoro war” [14 FGD\_Victim-C, Kasenyi]

If anything, many claimed that by learning of their “co-victims” receiving reparations, it increased their feeling of injustice.

On the other hand, as we have already argued and will develop below, the scale of the Katanga reparations most probably helped with both the ‘bespoke’ implementation of the reparations and aspects of procedural justice that we described below.

## VI.2. On the nature of reparations

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The research provides empirical material that contributes to two debates on the nature of ICC-ordered reparations, namely (1) the balance and definition of collective reparations as opposed to individual reparations and (2) the extent to which victims should (and can) choose between different options. Much of the debates so far have been of a legal or philosophical nature, as we outlined in section III.2; we focus on the empirical implications of the choices made in the Katanga case.

### **VI.2.1. Collective reparations?**

The reparations ordered in the Katanga case are all individual in nature – some of the reparations are called ‘collective’, but such characterisation is mostly a legacy of a long process whereby reparations were elaborated, and which distinguished between an individual symbolic award (of USD 250) and reparations ‘collectively’ allocated to individuals. In practice, beneficiaries received a bespoke package of reparations. The lack of measures targeting the beneficiaries as a collective was a point of discussion in the focus groups, where participants spoke of the potential usefulness of symbolic events organised for the community (a formal event closing the reparation process was planned but had not yet taken place by the time of the field research). It was, however, those living near the victims but who were not direct victims who emphasised most the need for collective reparations, explaining some of the more indirect effects of the violence on their livelihoods. Many mentioned their Christian faith as the reason they maintained hope even in difficult circumstances. One victim non-beneficiary stated:

“We often say: if your friend has something, don't get angry, because tomorrow it will also be your turn to win. God is alive, so are we, the ICC will give us that hope that makes us together.” [5 FGD\_Non-beneficiary-D, Kasenyi]

### **VI.2.2. Choosing among options**

The possibility for beneficiaries to pick and choose their preferred reparations among a ‘menu’ of different options and to keep changing their choice along the process was highlighted as a strength of the programme by ICC-based actors, legal representatives, and the victims. It allowed an important level of flexibility that partly counterbalanced not only the lengthiness of the process but also the difficulty of implementing some of the options, with some of the beneficiaries deciding to change modalities because some options appeared more practical and expedient than others. One victim stated:

“Well, at first I was waiting for a house and as it took a long time, I changed to ask for cows” [4 FGD\_Victim-D, Bunia]. Similarly, another beneficiary explained:

“I had asked for the house because we had lost our houses and they had done well, they told us that you who asked for houses should wait until the others could be served and then you will get, we waited, but we are not receiving until now; the others are receiving theirs but for us it took a lot of time but in the end they said, you could change what you asked for to something else that you like and that's how I had said that I want 2 motorbikes.”

This was also applicable to beneficiaries of non-housing packages:

“Actually it's up to you to choose, as I needed to open a shop, that's why I was given 65 bags of rice and I went with this merchandise into the bush, to the gold quarry, nothing worked because the population was on the move and their purchasing power was low and I went bankrupt.” [21 FGD\_Victim-A, Bunia]

Another stated:

“Yes, I received all my 6 cows, but I had asked them for the motorbike as well, but with the delay they caused, I could no longer buy the motorbike because before all, the motorbike was sold at 600\$, but in 2018 the motorbike no longer had that price so I was obliged to change, first they had given me 4 cows and then instead of giving me the motorbike of 600\$ I bought my cows for 600\$.” [1-II\_Victim-01, Bunia]

The choice of an option is, indeed, the process of ex-ante preferences and current conditions, but it is also influenced by the way the reparation looks in practice, which is only known when the process has started.

### ***VI.2.3. The fungibility of material reparations***

Germane to the question of choice is the fungibility of the material reparations. The qualitative research offers a few examples of goods provided by the TFV, often at the expense of rigorous procurement processes complicated to undertake in the context of Ituri<sup>25</sup> which were immediately sold.

“With this repair, I had sold a cow to buy the motorbike and some time later I sold it again to cultivate the fields with this money.” [08-II\_Victim-01, Bogoro]

In some instance, the sale took place later, to cope with shocks as already outlined in section V.2.2.d) and V.3.1). One beneficiary explains his situation:

“They [the TFV staff] looked at it and asked me what I could do with the motorbikes and I said that I should put one motorbike in the taxi to help me and the other one would stay at home for my travels but one motorbike was not of good quality; [...it]had only been in the taxi [business] for 6 months and it was damaged and as there were no spare parts for this motorbike, I had sold this motorbike. At that time, I had fallen ill this money was used for medical

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<sup>25</sup> The procedures were initially built for supplying the ICC headquarters in The Hague, considering the specificities of the European (Dutch) markets. Exceptions to the standard procedures were eventually granted for providing some of the items to the victims.

care and my field work as well, so that's how it was, we had nothing else to do.”  
(4 FGD\_Victim-A, Bunia)

Our findings suggest that re-sales probably remained a minority of cases; the possibility to opt for a different reparation modality along the process and the less fungible character of some of the reparations provided such as school fees or housing may also have pushed the number of cases down. Those cases need, however, to be taken seriously as they reveal tensions between the victim's agency (their ability to act independently) and the implementation of a reparation plan.

The first point to consider is the economic situation in which the victims still find themselves and the economic environment surrounding them. Our data shows how selling property to fulfil immediate needs (rather than holding on to them to achieve longer-term plans) is far from uncommon: a key feature of contexts of crises such as Ituri's is the relative unpredictability of daily life and livelihoods. It is also crucial to locate reparations in the broader context of international aid: a growing literature has repeatedly shown that 'aid goods' (be it development aid or humanitarian aid) are commonly sold, traded, and exchanged. It is the norm, rather than the exception, for goods provided by aid actors to end on local markets—even when those goods respond to a need (e.g. Blattman and Niehaus 2014; Daly et al. 2020; Slater 2011). The economy of Eastern DRC is significantly shaped by international aid, which is one of the most powerful forces shaping markets (e.g. Matti 2010; Trefon 2011). The point here is not to make any normative judgment on the appropriateness of the nature of the reparation provided, rather it is to highlight that their 'commodification' is to be expected when considering the economic forces at play.

However, such commodification raises deeper questions about the use (or not) of cash transfers. In the last decade, the policy and academic debates on the most efficient ways to provide aid to population have heavily swung in favour of cash transfers rather than the transfer of goods. The theoretical argument, which is backed by substantial empirical evidence, is that people typically know best what they need and how to acquire it at the best price. The question is one of efficiency of aid (value for money) and proponents of cash-based approach also emphasise that the approach is less paternalistic (or colonial) as it lets people decide what (good) development is to them. As we stressed earlier, this is a key reason the initial 'symbolic' USD 250 was deemed so important to the victims: it could be used quickly and easily to address the most urgent needs. Our research found much evidence of this, for instance, this participant in a focus group discussion who explained:

“For my part, the reparation has helped me a lot, [when I received] the first ...250\$ I had endowed my wife, and I continue to live until today thanks to this reparation.” [08-II\_Victim-01, Bogoro]

Another one explained how the collective reparation was not yet helpful to them, but the USD 250 were important:

“No, it [the collective reparations] didn't help my family because my house is not finished yet; but the \$250 received I had bought bags of flour, sugar and other items for making breads and it helped every morning, my family was drinking tea and the breads only.” [4 FGD\_Victim-D, Bunia]

The benefit of using cash transfers over goods transfers will not apply indiscriminately to all circumstances; scholars and practitioners have identified exceptions—typically



items that are not widely available, such as specific drugs or items in emergencies (Gordon 2015). In the Katanga case, the main goods transferred to the TFV beneficiaries –cows, motorbikes and petrol, houses—are, however, not in any way rare. Serious questions around value for money abound: all interviewees pointed out the TFV paid a (much) higher price than markets for the goods—as we explained in section 2 of the main findings. Some even highlight that pure cash would have been better.

In the absence of a convincing value-for-money argument, the case for goods over cash only holds if additional arguments come into play. One possible reason is that the provision of a list of goods (based on preliminary discussions with the beneficiaries) is not for economic or efficiency reasons but because goods are invested in an additional symbolic value that money does not have. The qualitative data supports this argument but only for very specific items, namely cows, which have a very significant place in Hema culture.

For many beneficiaries, losing their cows during the war represented more than a mere loss of cattle; however valuable; it was a loss of identity and a way of life, as some of the beneficiaries pointed out during the interviews.

“In our custom, any self-respecting person must have cows, but all our cows were taken away by the illegal weapon carriers. The reparation did not allow us to recover all our belongings that were taken away. But this fund allowed me to realise my project of raising cows [again].” [16-Il\_Victim-01, Bogoro]

Another noted: “I had chosen cows because we [in the] Hema tribe have livestock as our main activity, and this will multiply to help me one day” [29 FGD\_Victim-D, Bunia]. Along the same lines, another farmer of the same focus group discussion remarked:

“I had chosen cows because raising livestock is a custom for us Hema, it's important to have cows, but when the Chini ya Kilima militia came they took everything away.” [29 FGD\_Victim-B, Bunia]

### VI.3. On the timeline: when do reparations start and end?

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The field research has highlighted the importance of the timeline of the reparation process. All actors, victims and ICC staff alike stressed that reparations would have been better had they been provided sooner after the trial (and had the trial been completed earlier). The academic and grey literature has already made those points (e.g. Cohen 2020; McCarthy 2009; McGonigle Leyh and Fraser 2019; Moffett and Sandoval 2021), and we will not return to them extensively. The main element to stress from our research is that there are practical ways to make the timeline (or delays as beneficiaries call them) more bearable to beneficiaries: the symbolic USD 250 played a crucial role in helping beneficiaries cope with urgent needs and rest reassured that the reparation process was serious and credible and the frequent communication with the LRV and the TFV staff also helped ensure that tensions related to the delays could be defused as victims acquired a better understanding of the reasons behind the delays.

This is not to say that the delays should be disregarded. In fact, many of our interviewees –coming from different perspectives (stakeholders of different sorts, including beneficiaries alike)—suggested that time was often wasted, as we explained in length.

The research also suggests the need to conceptualise the reparation process as starting earlier than the implementation of the Reparations Order. Indeed, victims pointed out

how the trial and the prosecution represented possible starting points for them in a context where trust in judicial authorities is low, and many do not have experience of having their harms addressed. The feeling of being heard and taken seriously was emphasised as a key initial step by some of the interviewees and contributed to the sense of justice, as developed earlier.

The question also concerns the endpoint of the process. As we found, while the TFV sees the reparation process as coming to an end and prepares a 'closure ceremony,' more than half of the victims expect more reparations to come. There are two dimensions to consider here.

First, as we emphasised earlier, some victims we met during the interviews and focus group discussions feel that it is impossible for them to ever reach, in their lifetime, a situation whereby they are 'finished' with reparations. There is ample literature on this situation, which is not a surprise and has been documented in many other situations (Hamber and Wilson 2002; Moon 2012). Our research also came before the psycho-social intervention, which may affect the victims' views on ever reaching a sense of closure.

Second, across both the victims who feel a sense of closure is theoretically attainable and those who do not, there is a strong sense that the reparations as envisaged by the ICC are not finished. Many participants repeated the figure of USD 3 million being the total amount that would eventually benefit the victims and explained that they were, therefore, expecting more reparations to be paid as only USD 1 million had been disbursed in this first phase. We tried to find the origins of the USD 3 million figure; the most likely is that it refers to the total liability for the case. Indeed, the Reparations Order, after disqualifying 44 applicants and confirming 297, contains the following (p. 118):

“[The Trial Chamber]

ASSESES the total monetary value of the extent of the harm suffered by the 297 victims to be *USD 3 752 620* [our emphasis];

SETS the reparations award for which Mr Katanga is liable at USD 1 000 000.”

As we pointed out earlier in the report, the information was public and shared by the ICC or the LRV early in the process.

#### VI.4. On the effectiveness of reparations

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Related to the question of timeliness and the nature of the reparations is their effectiveness. A central issue when assessing reparation is that it is not entirely clear what fully successful reparation would look like. The Reparations Order only mentions a broad target: the “ability to cope with the livelihood, financial, and psychological trauma”. In practice, we found that while age or gender matters little when considering the effects of the reparations, the sort of harm that people suffered (and were given reparations for) seems to affect the way people experience reparations. People who had lost relatives in the Bogoro attack scored higher on psychometric tests of self-efficacy and locus of control and displayed higher levels of trust in local institutions and social connections. Beneficiaries who had mostly suffered material losses did not see those indicators improve, but they did display better economic indicators.

A key dimension is also that—although the reparations mostly, if not solely, focused on material aspects until our evaluation—the main effects are not at that level. Psycho-social

and trust indicators were not primary targets of the TFV reparation package that we studied. The qualitative data provides a few non-mutually exclusive hypotheses as to what the mechanism linking the provision of goods and services by the TFV and the improvement of psycho-social and trust indicators might be.

First, as we discussed earlier, while our study sought to assess the effects of the TFV reparations, they are part of a wider context that we explained in the last section: the consultations of victims ahead of the trial, the trial, the ruling, the work with a legal representative, and, finally, the work done by the TFV. It is not possible to disentangle this different part and attribute the effects that we see to one phase or actor in particular – rather, the qualitative data suggests that each matters in its own right. Taken collectively, they constitute a series of *expert and specialist engagements with the victims*, over the course of ten years. Our qualitative data is very clear that such engagements and the feeling of being listened to were much valued by the victims – this directly echoes the idea of *procedural justice* that has been abundantly discussed in many related contexts.

Second, as part of this engagement, the victims benefited from close contact with their LRV (and his team) and the staff of the TFV. In both cases, the level of engagement has been described as ‘unusual’ by observers (although Katanga was the first reparation to proceed, and there was, therefore, no ‘usual’; the reference was, in fact, often in relation to more recent and future reparation processes). The LRV remained involved in the process after the end of the trial, representing the victims as the reparations were being implemented and, for some, time adjusted. The beneficiaries spoke of field visits as well as contact with intermediaries who would keep them updated, as we mentioned earlier. The staff of the TFV implemented the reparations directly, often dealing with complicated procurement procedures and changes in the choices of reparations made by the victims, meaning that the contact with many beneficiaries was, in fact, relatively close and frequent for a period of time. Although mostly a by-product of both the ‘pilot’ nature of the Katanga reparations and the technical issues with the implementation order (in terms of procurement, for instance), this close contact with both the LRV and the TFV staff may have been instrumental in enabling a higher level of procedural justice.

Third, the socio-political context of Eastern DRC must be fully considered here. It is marked by low levels of interpersonal trust as well as citizens’ trust in key institutions. Our data clearly shows it, as does a substantial academic and grey literature on the topic (Vinck et al. 2019). The lack of justice (and reparation) is widely deplored by citizens (Jacobs and Kyamusugulwa 2018), especially impunity in relation to the violence and exactions committed by armed groups. The reparation process is, therefore, somewhat unique and our qualitative data points, time and again, to the idea that “at least the ICC/TFV are doing something”.

## VI.5. On reparations during wartime

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Related to the question of the context is the peculiar nature of the reparations that were ordered as the war and instability continue to be part of the daily lives of people in Ituri. This is significantly different from other reparation processes that typically take place in peacetime, or at least as part of transitional justice processes that come after the war or at least some peace deal (in Colombia, for instance; e.g. Dixon 2016). It was also repeatedly pointed out as a key weakness of the process: “war is still there”, as we explained in length in the first part of the findings section.

It raises important questions about whether reparations could and should address the root causes of the violence that has caused harm and the role that states may play in it. One recurrent criticism of the beneficiaries, which we already touched on earlier, is indeed that the system that made their harm possible has not been dismantled. In our interviews and focus groups, victims explained how continued insecurity has led to losses of their income-generating activities and meant extended displacement for others. We already elaborated on this point, which one victim well summarises:

“The situation of Bogoro has not changed as if the people had not received anything, the second thing is the insecurity even if you receive the reparation the rebels will come to loot again.” [29 FGD\_Victim-D, Bunia]

For many, the loss, especially of family members, was also so great that the reparation has not necessarily impacted their psychological and mental well-being because of the continued insecurity in their daily lives. This insecurity, according to them, was reawakening their traumatic experiences all those years ago. It is unsurprising, therefore, that many of the respondents prioritised peace (or the absence of violence) in Bogoro to reparations.

“Like me my biological mother died during the war, without me being able to see her body, or better, bury her body to have a clear conscience, and also to know where the body rests forever. But I don't even know the conditions in which she died or how her body was. Sometimes I imagine she is alive somewhere. When I ask myself such questions and we see our surroundings are insecure, it traumatizes us more for all these things we have experienced. We need a reparation to make us forget these past events and that can let us live without fear and work in peace so that we cannot remember [the bad events] again. We cannot call it reparation; we see that it is a distraction because all the inhabitants of Bogoro, who were victims of these massacres, are still living in fear because of the insecurity. You should know that the trauma is growing among the population of Bogoro for all that is happening now.” [2 FGD\_Non beneficiary-D, Bogoro]

The link between past and present insecurities in discussions about psychosocial state of victims often brought out very strong views from respondents, which also questioned the role of the DRC Government and even the ICC process to bring about peace.

“I come back again; I have a question for the ICC. Does the ICC want to see one day that the whole population of Bogoro become mentally deranged? What is it going to say here? What will they do to frame all these traumas? Write that down. Whether it is the beneficiaries or the non-beneficiaries who are all in trauma, it is up to [the ICC] to ask the same question to our government because they know each other well... When the rebel leaders were brought to The Hague, Germain, Bosco, Bemba, Lubanga, we believed that this could scare other people to join the armed groups and the war could end. On the contrary it encouraged people to create armed groups because those who went to the Hague ate well, they studied, they came back from there in good health with envelopes full of money, it's like the ICC is just intimidating the victims for nothing... it means there is a good thing going on there [to The Hague] that we don't know about.” [2 FGD\_Non beneficiary-B, Bogoro]

Relatedly, many victims also explained that the reparations were closely linked to justice, which they felt was only partly rendered as Germain Katanga is only one among those

responsible for the attack. They expressed a strong sense of an unfinished process that will only find closure when everyone responsible is brought to justice—which they claim is not possible in the current political context—and when peace returns to Ituri.

#### SUMMARY

A few other reflection points emerge from the research.

First, there is an obvious tension between ‘breadth’—covering many direct and indirect victims—and depth—providing bespoke support and reparations. The relative success of the Katanga reparations seems to hinge at least in part on its small scale and at the expense of wider coverage, which did create some frustrations in the wider population (relatively limited in this very case).

Second, the case invites to consider the nature of the reparations further. The lack of proper collective reparation, reparations that addressed the community, was a frustration, but the possibility for victims to choose among reparation options came out as a strong point of the programme. Yet, the fungibility of the reparations provided to the victims raises difficult questions about the most appropriate channel for delivering reparations (that echo long-standing debates about international aid and social protection).

Third, the research invites to consider reparations as starting with the initial engagement with victims, even before the trial. The expectations of many victims for more reparations also beg questions about the possibility of a closure.

Fourth, while the reparations are viewed positively and do have a positive impact, especially in a context where many explain that only the ICC/TFV is doing something for them, it remains clear to most research participants that justice and reparation will only be fully achieved when peace returns to Ituri.

## VII. CONCLUDING REMARKS

The table below summarises the changes that we believe can be reasonably attributed to the reparation process, with all the abovementioned methodological caveats. The strongest are in terms of the psychosocial situation of the victims and community integration, which, interestingly, were not directly targeted by the individual or collective reparations.

**Table 10** Summary of the main changes

<i>dimension</i>	<i>Likely effects</i>
livelihoods	Limited, uneven across groups
psycho-social situation	Strong, across groups
community cohesion/integration	Medium, uneven across groups
access to services, including justice	Limited, uneven across groups

The study also suggests some more limited effects on livelihoods and access to services, but sadly, many victims also report having to sell the goods they received as reparations to cover urgent needs in a context where security has not improved and sometimes regressed since the Bogoro attack. This lack of peace, which prevents the full realisation of justice for many, also had very material connections to the reparations as it is (with

poverty, which it exacerbates) a key reason that the collective reparations did not, for many, translate in a substantial improvement in livelihoods, despite being worth (in monetary value) between one and 8.5 times (depending on the person) the annual GDP/capita in the DRC. It begs difficult questions about the legacy of the Katanga reparations in the medium and long run.

The positive effects on psycho-social being, community cohesion, and trust seem primarily attributable to the mere but important fact that the reparations provided victims a space where they felt heard, acknowledged, and considered in a context where the impunity for war crimes often remains. Differentiated effects, when found, seem related to the nature of the harm suffered rather than gender or age.

The reparations were a long process, and three elements appear central to comprehending why, overall, victims declared the experience positive (on average, some did not report a positive experience). First, the initial symbolic USD 250 allocated to all the victims recognised by the Chamber, which came soon after the Reparations Order, was instrumental in solidifying the rapport between the victims and the ICC, including the TFV. It was also crucial to help them overcome difficulties in their daily lives, especially against the backdrop of repeated cycles of violence in Ituri. Second, and also central to the process in which victims maintained a reasonably high level of confidence in the Court and the reparation process were the many and repeated interactions with their legal representative before, during, and after the trial (in the reparation phase), and with the staff of the TFV after the trial. Finally, the level of flexibility of the collective reparations—which could be changed during the process—conveyed to the victims a very clear sense that they were heard seriously.

There are also areas in which the delivery of the reparations could be more efficient, both at the practical level (in terms of timing and purchasing of goods for the victims) and at the conceptual where the de facto fungibility of some of the collective reparation measures raise questions about their meaningfulness. The main issues that came up, time and again, were, however, about the difficulty of fully benefiting from reparations when violence—of the same kind as the one suffered during the Bogoro attack—is still so pervasive and the sense of an unfinished process due to both the expectation generated in communications with the victims (and part of what is stated in the Reparations Order) and a more general sense that not all perpetrators have been brought to justice. Equally present in the population are lingering questions about why some individual's applications to the Court (to be recognised as victims) were successful and others not, and who got left out in the process - they are, however, likely to be part of any reparation process that takes, as the Katanga trial did, an exclusive approach to clearly identifying individuals rather than a broad, collective, approach (e.g. all the population of an entire town being recognised as victims).

The Katanga reparations are likely to be an exception in ICC trials due to their scale and detailed consideration of individual claims. This report has highlighted how the experience nevertheless offers key insights into challenging questions regarding the modalities, implementation, and potential effects of reparations. We hope they will inform future reparations programmes. Despite clear shortcomings and questions around the sustainability of the outcomes in the context of Ituri, the Katanga reparations allow for cautious optimism that reparations can indeed improve some aspects of the lives of victims.

## VIII. RECOMMENDATIONS TO THE ICC/TFV

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- Ensure that **expectations about the reparations are clarified with the victims** from the onset, which includes explaining the more complex parts of the Reparations Order.
- **Keep developing processes where (some of the) reparations can be delivered quickly, as were the symbolic reparations in the Katanga case.** Consider the possibility that (some) transitory measures are implemented, even before trials are completed (for instance, as part of assistance mandates). Victims' adherence and engagement throughout the trial and reparation process rest on them seeing the case progress and concrete actions take place on the ground.
- **A clear and early delineation of roles within the ICC may help with swift delivery.** Our study does not allow us to tell who should be doing what (this would require an institutional analysis, which was outside the scope of the present report), and we also acknowledge that some change has occurred at the ICC since our research. From our research, there was a need for cooperation and coordination by different organs of the ICC, from the onset, to match victims' expectations of reparations and justice as well as save or enhance the reputation of the ICC.
- Consider the central place of **peace and stability in achieving reparations.** It is a difficult question that would require more work and reflection: what could, in a Reparations Order and the subsequent reparation process, contribute even more explicitly to bringing peace and stability? We do not have any easy answer, but it would most likely involve close collaboration with national authorities who appeared absent in the case of the Katanga reparations. It must also be noted that one of the *raison d'être* of the ICC is to provide justice when national judicial systems are unwilling or unable to do so, and many of these situations will be so-called 'fragile and conflict-affected states'. The problem is, therefore, likely to be present in many cases.
- **Consider the place of the TFV/ICC as a direct implementer of reparations.** While implementation via NGOs can be seen as more expedient, the Katanga experience suggests that direct implementation, even in a context where procurement is difficult, is important to victims and helps distinguish between international aid, often fraught with contradictions and tensions (at least in the context of the DRC, but this will likely apply to other contexts too), and reparations.
- **Consider the place of cash payments in the context of individualised reparations.** The Katanga reparation experience, with its flexible model for collective reparations, shows that in-good reparations often remain fungible.

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## X. APPENDIX

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### X.1. Research team

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Jean-Benoît Falisse was the lead investigator for the evaluation. He is a senior lecturer at the School of Social and Political Science, the University of Edinburgh, UK. Simeon Koroma was a research fellow, now a lecturer, at the same institution. Georges Nyembo Bilauri is the head of the *Centre Multidisciplinaire de Recherche en RDC* (CMRDC), located in Bunia, DR Congo, and Dieumerci Amuda Baba is a professor at the Institut Médical Supérieur of Bunia in DR Congo.

Jean-Benoît Falisse coordinated the research, led the quantitative analysis, and contributed to the qualitative analysis. Simeon Koroma led the qualitative and legal analyses. Falisse, Koroma and Baba designed and reviewed the research instruments in collaboration with Nyembo. Nyembo led the research team in the field. Baba reviewed the report and ensured quality control throughout.

We are indebted to our dedicated team of field researchers at the *Centre Multidisciplinaire de Recherche en RDC* (CMRDC) for their patient and thoughtful work in difficult conditions, under the wise and able guidance of Nyembo. This report would not have been possible without them: Alfred Assumani, Christelle Kyakuhairu, Dieudonne Busha, Divine Ngalula, Dorcas Mbala, Esperance Basali, Esther Nyirlak, Fidele Byambabazi, Grace Boyo, Irene Mbusi, Josephine Taragayo, Marline Nyamungu, Martin Ali, Odette Tabo, Patrick Lokanga, Prince Kelekele, Stephane Maganza, and Zoe Kiwenga. The Harvard Humanitarian Initiative kindly agreed to lend us their tablets for the survey (which were already in Bunia and were first wiped out of any data belonging to previous survey data).

Manoëlle Koninckx (then Inanga Consulting) provided useful comments on the survey instruments and led a few interviews with Belgium-based key informants.

### X.2. Detailed timeline of the Katanga case

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Note: the timeline runs until the time of our field research in 2022 and is solely based on publicly available information.

Date	Event
	THE CASE
24-Feb-03	Attack on the village of Bogoro in Ituri in eastern Democratic Republic of Congo (DRC) resulting in the death of scores of civilians, including children, and sexual enslavement of women and girls.
03-Mar-04	Referral by the DRC Government of the situation to the International Criminal Court pursuant to Article 14 of Rome Statute.
21-Jun-04	Investigations commenced in DRC
08-Mar-05	Katanga arrested without charge by DRC authorities in connection with the killing of 9 UN Peacekeepers.

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02-Jul-07	ICC issued arrest warrant for Katanga.
17-Oct-07	Germain Katanga in ICC custody.
18-Oct-07 - 7-Mar-14	Pre-Trial and Trial Processes - beginning with the unsealing of the arrest warrant and ending with verdict.
23-May-14	Katanga sentenced to 12 years. Both prosecution and defence teams appealed.
25-Jun-14	Appeals discontinued and judgment confirmed.
13-Aug-15 - 13-Nov-15	Review of the length of sentence and decision to reduce sentence.
19-Dec-15	Katanga transferred to the DRC to serve his sentence of imprisonment.
	REPARATIONS PROCEEDINGS
21-Aug-14	Trial Chamber II (Trial Chamber) was moved by the victims' representative to set a schedule for filing observations on the principles applicable to reparations in the present case and on the procedure to be followed.
27-Aug-14	The Registry is directed by the Trial Chamber to contact victims and update information on harm suffered and reparation sought.
15-Dec-14	Report submitted by the Registry identifying consulted 305 victims.
01-Apr-15	Order from the Trial Chamber instructing parties to file observations in respect of reparation proceedings
08-May-15	The Trial Chamber instructed the Common Legal Representative, in consultation with the Registry, to compile and file a list of applications for reparation, including documentation supporting the harm suffered and causation between the harm and crime. This order also allowed for the inclusion of additional victims, outside those who participated in the trial.
15-Mar-17	The Trial Chamber ordered the appointment of the Office of Public Counsel for Victims (OPCV) as the legal representative of 37 applicants for reparations whose previously appointed Counsel had applied for termination of the representation agreement.

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24-Mar-17	The Trial Chamber rendered an award for reparation in the amount of \$1,000,000 and adjudged 297 of 341 applicants entitled to reparations for the crimes Katanga was convicted of. The order, inter alia, awarded individual symbolic compensation of \$250 to each of the 297 approved victims and four collective awards to identified victims in the following areas: housing assistance, education assistance, income-generating activities, and psychological rehabilitation. However, this Order for Reparations did not include physical and psychological harm resulting from rape or sexual slavery, transgenerational harm and harm caused by the conscription or enlistment of children into an armed force or group or their use to participate actively in hostilities, insofar as the Conviction Decision did not pertain to these crimes. Furthermore, the order requested the intervention of the TFV, as Mr. Katanga was deemed indigent and unable to meet the costs. This order was initially the subject of an appeal.
24-Mar-17	The TFV was invited to consider using its resources and to present an Implementation Plan
08-Mar-18	The Appeals Chamber rejected the appeal of Mr. Katanga on the amount of reparation granted by the Trial Chamber and the appeal of the OPCV. In relation to the appeal brought by the LRV on behalf of five applicants who claimed reparations in the present case for transgenerational harm suffered on account of their parents' experience during the attack, the Appeals Chamber decided to remand the matter to the Trial Chamber for it to assess anew the question of the causal nexus between the crimes for which Mr Katanga was convicted and the psychological harm and whether they should be awarded reparations.
REPARATIONS IMPLEMENTATION PROCESS	
17-May-17	The TFV notified the Trial Chamber (in line with regulation 56 of the TFV Regulations) of its decision to complement the payment of the individual and collective Reparations Ordered by the Chamber for the benefit of 297 victims to the tune of USD 1M.

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25-Jul-17	<p>The TFV filed its Draft implementation plan in furtherance of the order of the 24 March 2017 of the Trial Chamber, regarding individual symbolic compensation and collective awards. This key document addressed different aspects of the reparation process including the following: consultations between the parties, Legal Representatives, victims, the government of the DRC in drawing up the implementation plan; principles considered such as categorising victims based on harm suffered (as opposed to the “needs” of victims); geographical locations of victims, with specific comments on those in Uganda and others who have received refugee status and were in Europe and the United States; requests of the DRC government, such as transferring Katanga’s (back)pay to the TFV, providing land to victims, and generally participating in the reparation process by filing observations on the TFV’s Draft implementation plan. The Draft noted a) that the TFV was in the process of re-establishing new assistance projects and associated services for its DRC assistance mandate and could not ascertain what would be afoot during the Katanga reparations period. b) that the TFV would include a referral mechanism in which victims would be referred to other projects/services within TFV as well as to other partners and organisations with specific expertise.</p>
19-Aug-17 - 4-Sept-17	<p>The LRV undertook a mission to the victims to collect comments on the project (Draft implementation plan). At the request of the Legal Representative, the Trial Chamber extended the deadline for the parties to file observations on the Draft implementation plan to 11 September 2017.</p>
11-Sep-17	<p>The Legal Representative for victims (LRV) (representing 283 of the 297 victims approved for reparations) filed observations on the TFV’s Draft implementation plan, with general agreement with the plan but reservations about the structure that would oversee implementation, management costs based on the model being used by the TFV and how that could reduce the amount of the individual compensation; and the length due to multiplicity of interlocutors. Further, the Legal Representative requested on behalf of victims to be consulted by the TFV throughout the process, including when partners were selected for implementation. Finally, the LRV asked for the requirement of discretion for security reasons.</p>
11-Sep-17	<p>The Office of Public Counsel for Victims (OPCV) as the legal representative of 14 out of the 297 victims approved for reparations, filed observations on the Draft implementation plan. The OPCV (LRV) generally supported the TFV’s Draft implementation plan, including the categorisation, the approach to “victimised women”, requests for the participation of the DRC government, and the TFV’s approach to harm outside the scope of the Reparations Order of 24 March 2017.</p>

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11-Sep-17	The Defence team filed its observations on the TFV's Draft implementation plan pursuant to the order of 24 March 2014. The observations were founded on four main points: a) Confirming Mr Katanga's willingness to participate in the reparation programme, including providing an apology and expressing regret in video messages, even if there was/is uncertainty about the victims' receptiveness to this gesture b) Supporting the request by the TFV to the DRC government to facilitate the implementation of the reparation awards, including by organising a public ceremony of reconciliation involving local Hema and Ngiti/Lendu communities, in which Mr Katanga could attend, and offer his apologies/regrets. c) Opposing the TFV's proposal for the DRC government to seize Mr Katanga's back pay. d) Requesting the Trial Chamber to encourage the TFV to include programmes that will benefit victims of harms that fall outside the Reparations Order of 24 March 2017.
Jan-2018 - Feb-2018	A joint TFV LRV mission was organised in Bunia, to consult the victims regarding their preferred reparation methods.
08-Mar-18	The Appeals Chamber confirmed, for the most part, the Reparations Order in the case, and remanded the matter of the alleged transgenerational harm suffered by five out of 297 applicants in the case to the Trial Chamber for it to reassess the causal nexus between the psychological harm they suffered and the crimes of which Mr. Katanga was convicted and, accordingly, to decide whether the applicants should be awarded reparations.
20-Mar-18	The LRV submitted a public redacted version of his report to the Chamber on the joint mission, presenting the victims' views on implementation, and agreements on practical changes to the Draft implementation plan, such as the modification of categories based on the impracticability of implementation on the ground.
16-Jun-2018 - 17-Jul-2018 and August 2018	The TFV and the LRV embarked on several missions aimed at implementing individual reparations and, to the extent applicable, determining the execution of collective reparations.
20-Sep-18	The Trial Chamber II issued an order (ICC-01/04-01/07-3809-Conf) directing the TFV to provide information relevant to the implementation of the collective reparations awarded in the case. Specifically, the Trial Chamber requested a summary of developments since its decision on 12 October 2017. It also sought the decision made by the TFVs' Board of Directors regarding administrative costs associated with implementing the reparations awards. Additionally, the Chamber requested an updated budget that considers the modifications it ordered, and the choices made by the 297 victims. Lastly, it asked for a detailed description of the planned procedures, including the entities or individuals responsible for implementing the four collective modalities ordered, along with the envisaged timeline for their implementation.

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01-Oct-18	The LRV filed a submission in response to the Trial Chamber's order of 20 September 2018 in which they provided updates on the execution of reparations so far for victims in the Katanga case. This included a specific update for victims in Uganda, the United States, and Sweden through monetary compensation as an alternative to in-kind support. They highlighted victims' satisfaction with the timely recognition of their suffering. The report also proposed a memorandum of collaboration with the TFV to address implementation challenges, and improve transparency and coordination.
1-Oct-18	The TFV was informed by email of the latest Joint Threat Assessment Group's recommendations, according to which: (i) all non-essential missions to Bunia had to be suspended; (ii) all movements to Ebola outbreak areas (including Tchomia, for instance) had to be suspended; and (iii) all movements outside Bunia were to be limited. The recommendation was maintained for a period of several months. This assessment impacted the timetable for implementation of reparations, as the Bunia Office was unable to support any missions or conduct local activities.
02-Oct-18	The TFV filed a submission in response to the Trial Chamber II's order of 20 September 2018. It addressed the Trial Chamber's key requests as follows: It provided updates on developments since October 2017, revised the reparations budget to remove administrative costs from victim liabilities, and detailed the allocation of resources to meet victims' preferences and needs. The TFV also outlined plans and procedures for implementing the four collective reparations modalities, including education support, income-generating activities, psychological assistance, and housing. It emphasised flexibility in addressing victims' evolving circumstances, collaboration with legal representatives, and maintaining transparency throughout the process.
13-Nov-18	The Trial Chamber rendered a decision.
22-Nov-18	The LRV submitted a filing, expressing concern over delays in implementing collective reparations for the Katanga case, with progress limited mainly to education support while other modalities, such as housing and income-generating activities, remained stalled. According to the filing, the delays have forced many victims to change their initial preferences, highlighting the urgent need for continuous, efficient implementation to meet their evolving needs. While acknowledging the collaboration with the TFV, the report stressed the importance of clear timelines, proactive problem-solving for logistical challenges, and prioritising victim-centered solutions to restore trust and ensure justice.
06-Dec-18	The TFV updated the Trial Chamber II on the education assistance modality, reporting that school fees for 316 beneficiaries were paid for the first trimester of 2018, including arrears from the previous year. Despite security challenges and an Ebola

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	<p>outbreak, alternative payment methods like bank transfers and mobile money were employed. Coordination issues due to discrepancies in student registration details required extensive communication. TFV ensured transparency by providing detailed receipts and sharing a comprehensive expenditure database with the Chamber. The report emphasised TFV's commitment to addressing challenges and preparing for subsequent reparations phases, with an update planned for early 2019.</p>
2-Dec-18 - 7-Dec-18	<p>Following the death of one of the victims, who is also a notable member of the community, the victims wrote to the LRV to convey to the Trial Chamber their concern about the delay in the reparation process, as well as the uncertainties of the security situation. The LRV responded to the letter of the victims (7 December 2018).</p>
17-Dec-18	<p>Public redacted version of a communication from the LRV to the Trial Chamber re-echoing the views and concerns of beneficiaries of the Reparations Order. This communication emphasised the impact victims' concerns would have both on their perception of reparations and on the usefulness/effectiveness of delayed implementation.</p>
28-Feb-19	<p>Update report on the implementation of collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims.</p>
18-Mar-19 - 12-Apr-19	<p>The LRV and the OPCV LRV carried out a joint field mission with the TFV to meet with their clients to (a) update, due to changing circumstances, the victims' choices on the four modalities of collective reparations and (b) to work together with the TFV on the preparation of those modalities.</p>
23-May-19	<p>The LRV filed a report in relation to the implementation of the collective reparations awards, including the recent joint mission undertaken with the TFV.</p>
03-Jul-19	<p>Update report relevant to the implementation of the education assistance reparations award.</p>
15-Jul-19	<p>The LRV filed observations on the Trust Fund's 3 July 2019 Update Report.</p>
26-Jul-19	<p>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, <i>ex parte</i> Annexes A and B, available only to the Trust Fund for Victims.</p>
18-Nov-19	<p>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.</p>

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17-Jul-20	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.
24-Aug-20	The Trial Chamber rendered a decision.
18-Sep-20	Update report on the implementation of the collective reparations awards pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and to the Trial Chamber's order of 24 August 2020 instructing the Trust Fund to submit a concise report on the implementation of the collective reparations in the form of IGAs, namely the purchase of motorcycles, fuel and various products, by 18 September 2020 at the latest.
01-Oct-20	The LRV submitted his observations on the 18 September 2020 Update Report.
19-Oct-20	The TFV submitted its second quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, in which it requested the Trial Chamber's approval of a proposed alternative method for implementing the housing assistance modality, in addition to updates on education, income-generating activities, and psychological support.
02-Nov-20	The LRV submitted his observations on the Housing Assistance Request, in which he requested the Trial Chamber to first be allowed to conduct effective consultations with his clients before the approval of such a change in modalities.
10-Dec-20	The Trial Chamber rendered a decision.
14-Jan-21	The LRV submitted a request for the Trial Chamber to: (a) instruct the Registry to find alternative measures that would allow the LRV team to travel to the field to consult with the beneficiaries who are to receive housing assistance modality; and (b) extend the deadline of 1 February 2021 for the submission of his new observations on the Housing Assistance Request resulting from consultations with the concerned beneficiaries.
19-Jan-21	The TFV submitted its third quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims and requested the Trial Chamber's approval for the implementation of the psychological support modality. This report also commented on the security situation and collaboration with the LRVs.
26-Jan-21	The Trial Chamber suspended the deadline of 1 February 2021.
03-Feb-21	The LRV filed observations on the third quarterly update report by the TFV, in which he expressed concerns of victims in relation to delays, but also expressing his support for the approval of the psychological support modality.

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18-Feb-21	The Trial Chamber rendered a decision.
06-Apr-21	After a second extension of time relevant to security, health, and travel conditions for enabling the LRV's consultations with beneficiaries, the LRV submitted his observations on the Trust Fund's Housing Assistance Request.
19-Apr-21	The Trust Fund submitted its fourth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims.
30-Apr-21	The LRV and TFV jointly submitted an implementation plan for the housing assistance modality to the Trial Chamber for its approval.
04-May-21	The LRV filed observations on the TFV's fourth quarterly update report.
05-May-21	The Trial Chamber rendered a decision.
19-Jul-21	The TFV filed its fifth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, commenting on the security situation in and around Bunia, details on the collective reparations, and antecedent matters detailed in the order of 5 May 2021.
11-Aug-21	The LRV filed observations on the fifth quarterly update report.
22 - 29-Sept-21	The LRV, accompanied by a member of his team, conducted a field mission to Bunia where they organised collective and individual meetings with beneficiaries to discuss the remaining IGAs, the housing assistance modality and the psychological support modality.
19-Oct-21	The TFV filed its sixth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims. The report provided details on the implementation of the collective reparations awards.
03-Nov-21	The LRV filed his observations on the sixth quarterly update report by the TFV. No specific comments apart from a call for flexibility in implementation.
19-Jan-22	The TFV filed its seventh quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims. It covered security, public health, income-generating activities, housing assistance, and psychological support.
26-Jan-22	The LRV filed his observations on the seventh quarterly update report of the TFV. The LRV maintained his call for flexibility/openness in the implementation procedures and offered his support in relation to the steps undertaken to find resource persons for psychological support.

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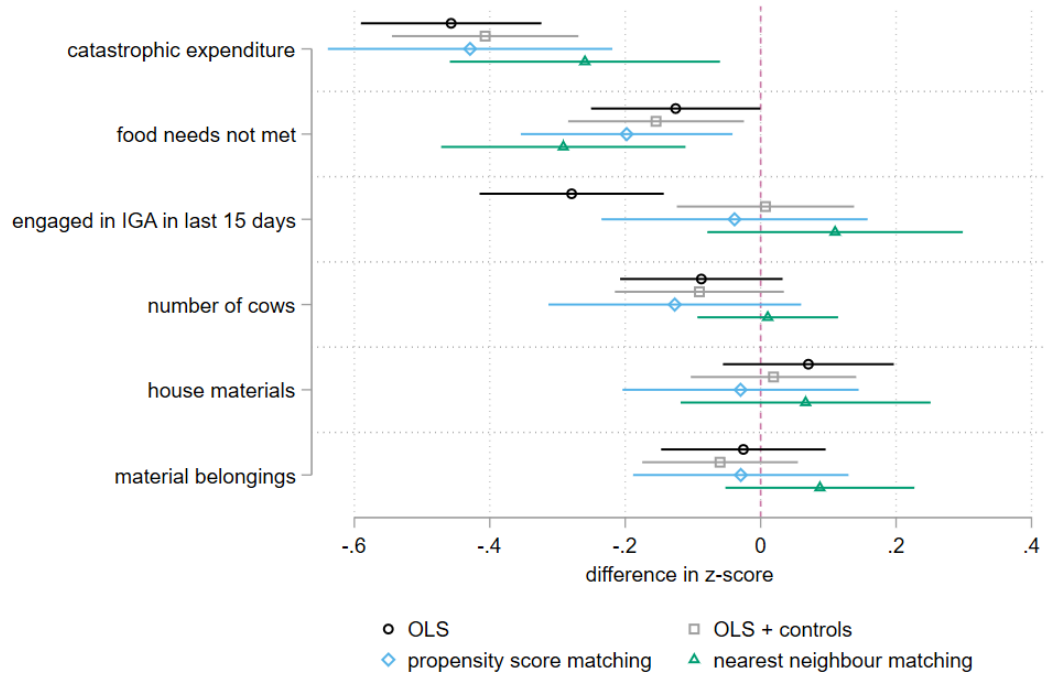
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9-10-Feb-22	A substantial number of Court documents are reclassified as public.
09-Mar-22	Following the death of two victims, the OPCV requests that designated family members benefit from the reparations.

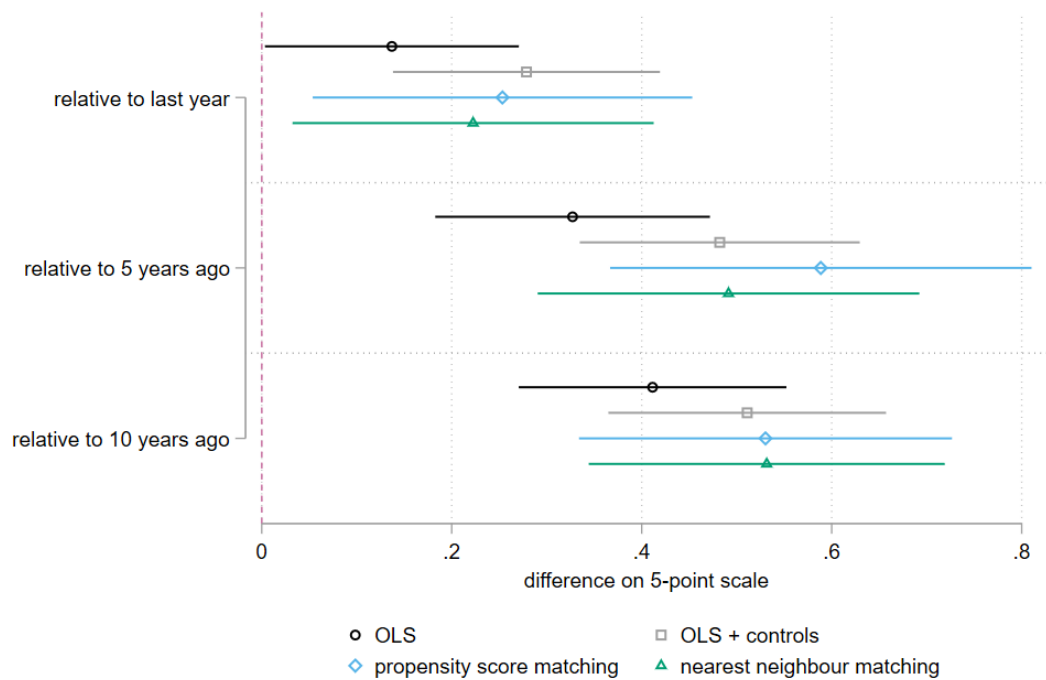
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### X.3. Robustness checks

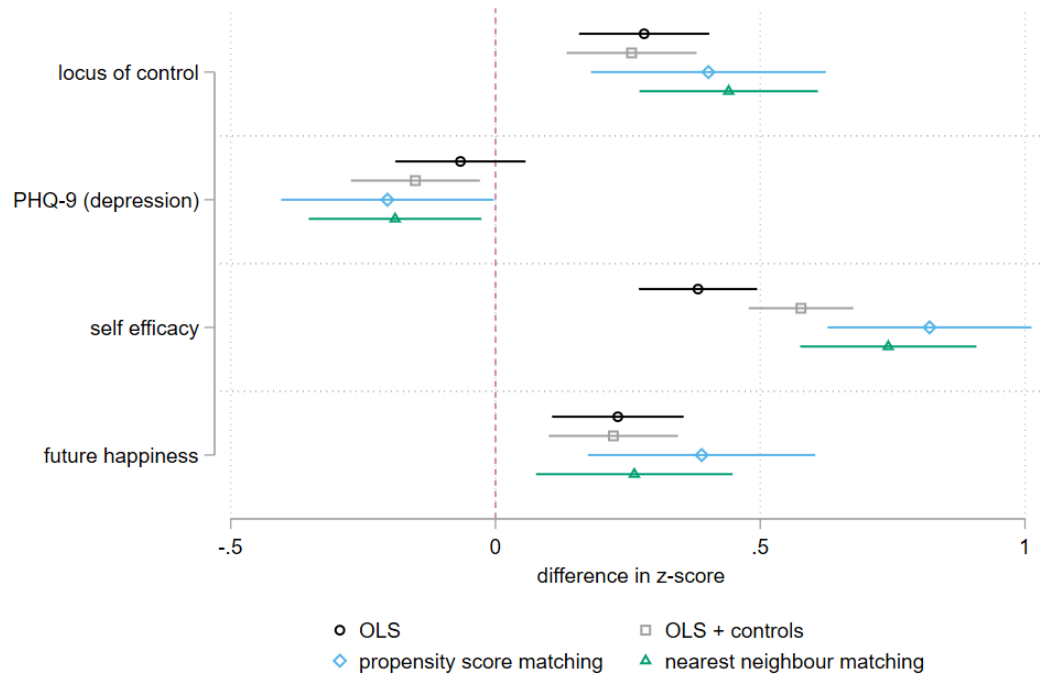
We present the robustness checks in graphical forms. Detailed results are available from the authors.



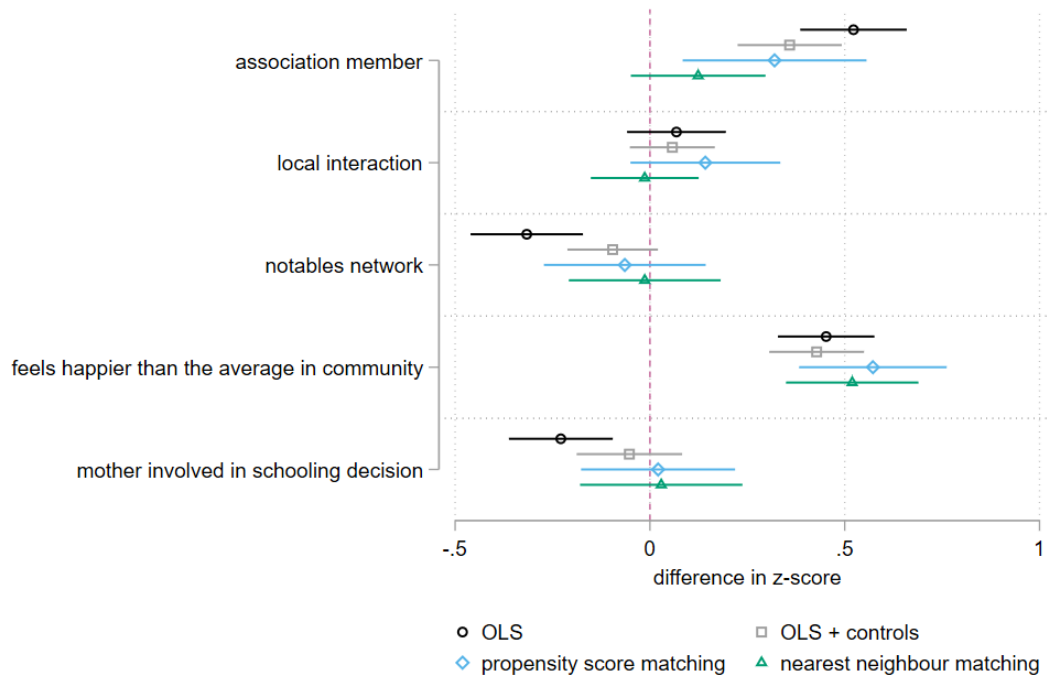
**Figure 12** Effects (z-score): livelihoods



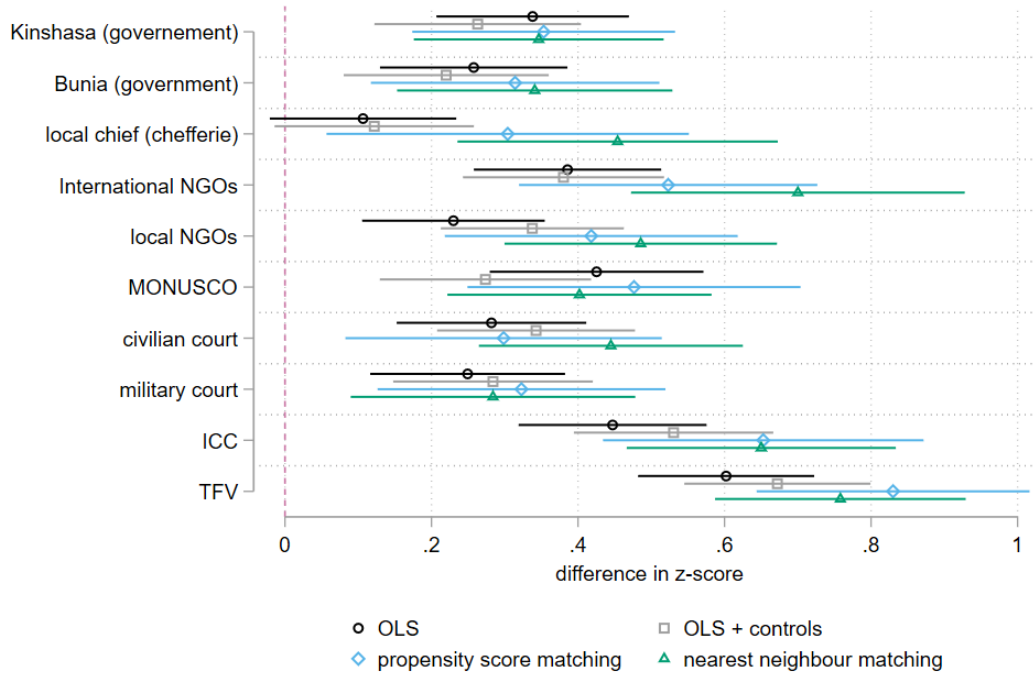
**Figure 13** Effects (z-score): perceived livelihoods



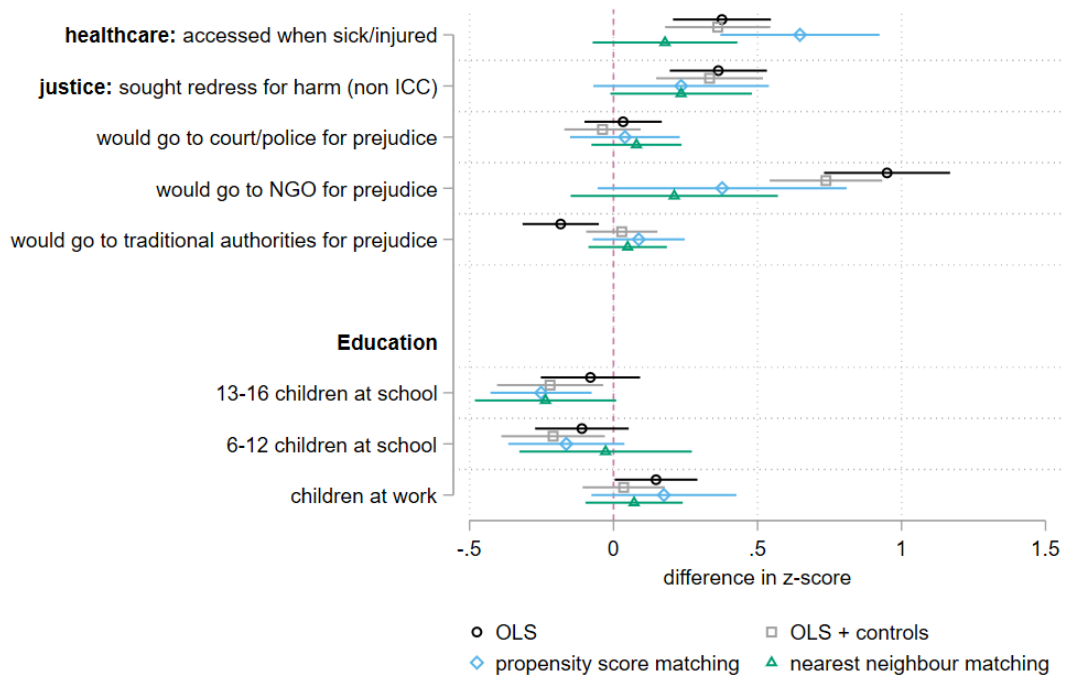
**Figure 14** Effects (z-score): psychosocial indicators



**Figure 15** Effects (z-scores): social life



**Figure 16** Effects (z-scores): social life (trust)



**Figure 17** Effects (z-score): access to services

#### X.4. Heterogeneous effects

The following tables present heterogeneous effects using an interaction model. Each line corresponds to the estimate of the interaction term, using a different model/outcome every time. The parameters are the same as the ones estimated in the main body of text (OLS with controls), with the addition of an interaction with a binary variable in each case

##### X.4.1. Gender

		difference	Total effect women	Total effect men
economic	struggle	0.018	-0.160**	-0.205***
		(0.074)	(0.054)	(0.057)
	food needs	0.222*	-0.139*	-0.243**
		(0.114)	(0.084)	(0.088)
	cows	-3.890*	-1.608	0.796
		(2.066)	(1.515)	(1.593)
	house	-0.087	0.174	0.084
		(0.265)	(0.194)	(0.204)
belongings	-0.500**	-0.362**	0.170	
	(0.224)	(0.164)	(0.173)	
improve last year	-0.187	0.296**	0.396**	
	(0.166)	(0.122)	(0.128)	
	-0.150	0.398***	0.514***	
	(0.148)	(0.109)	(0.114)	
improve 10 years	-0.280*	0.445***	0.669***	
	(0.165)	(0.121)	(0.127)	
	1.080	3.273**	2.593**	
	(1.708)	(1.253)	(1.317)	
psychological	PHQ	-0.047	-0.919	-0.934
	(0.867)	(0.636)	(0.669)	
	Efficacy	-0.147	3.904***	4.611***
(0.871)	(0.639)	(0.671)		
psychosocial	association	0.035	0.169**	0.149**
	(0.071)	(0.052)	(0.054)	
	social connections	-0.116	0.089	0.173
	(0.233)	(0.171)	(0.180)	
	notable	-0.817**	-0.462**	0.246
(0.273)	(0.200)	(0.211)		
trust	Mother decides	-0.044	0.127**	-0.002
	(0.076)	(0.056)	(0.058)	
	Kinshasa	-0.052	0.345**	0.395**
	(0.220)	(0.162)	(0.170)	
Bunia	0.005	0.334**	0.296*	
	(0.213)	(0.157)	(0.165)	
	Local chief	-0.308*	0.218*	0.296**
	(0.159)	(0.117)	(0.123)	
NGO	-0.823***	0.734***	0.937***	
	(0.195)	(0.143)	(0.150)	

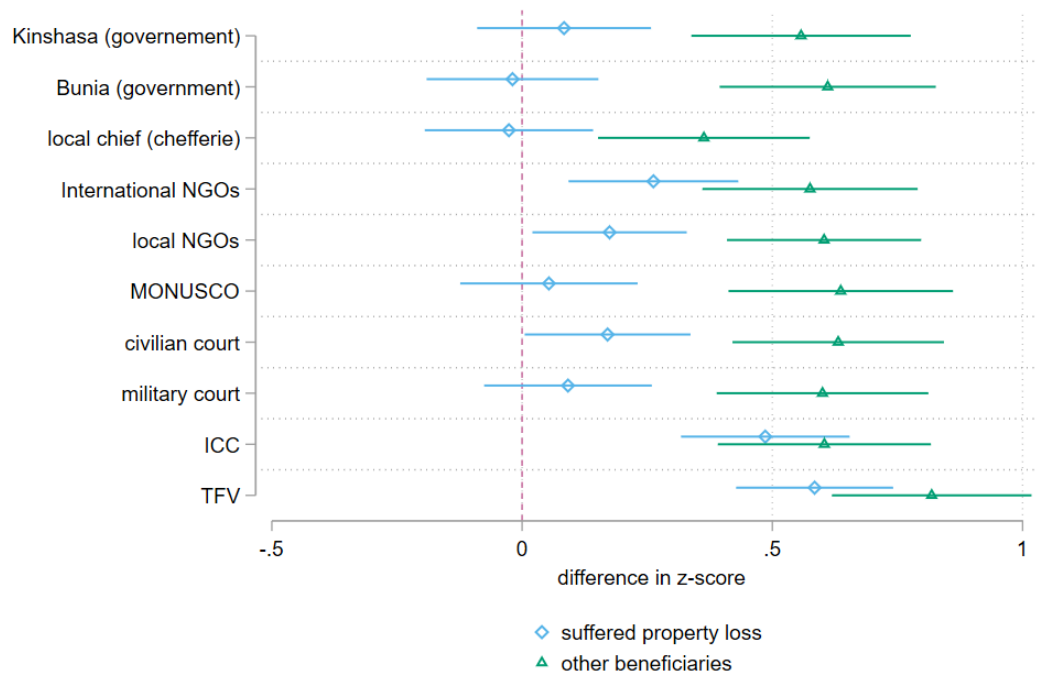
	Local NGO	0.013 (0.161)	0.562*** (0.118)	0.380** (0.124)
	MONUSCO	0.018 (0.184)	0.371** (0.136)	0.301** (0.141)
	Judiciary (civilian)	0.158 (0.182)	0.657*** (0.134)	0.325** (0.140)
	Judiciary (military)	0.009 (0.193)	0.538*** (0.142)	0.353** (0.148)
	ICC	-0.117 (0.178)	0.842*** (0.131)	0.685*** (0.137)
	TFV	0.000 (0.177)	0.898*** (0.130)	0.834*** (0.137)
services	Access to healthcare	-0.218** (0.101)	0.224** (0.074)	0.303*** (0.080)
	Access to redress	-0.067 (0.043)	0.063** (0.032)	0.106** (0.033)
	Teens in school	0.001 (0.051)	-0.042 (0.037)	-0.049 (0.039)
	Kids in school	-0.039 (0.046)	-0.046 (0.034)	-0.024 (0.036)
	Child labour	-0.018 (0.051)	-0.002 (0.037)	0.033 (0.039)

#### ***X.4.2. Harm is loss of assets***

		difference	Total effect suffered assets loss	Total effect did not suffer assets loss
economic	struggle	0.391*** (0.076)	0.032 (0.056)	-0.437*** (0.061)
	food needs	-0.239** (0.120)	-0.082 (0.089)	0.027 (0.097)
	cows	-1.815 (2.172)	-1.449 (1.612)	-0.211 (1.754)
	house	0.193 (0.278)	0.188 (0.206)	-0.083 (0.224)
	belongings	0.628** (0.234)	0.387** (0.174)	-0.494** (0.189)
	improve last year	-0.319* (0.174)	-0.013 (0.129)	0.491*** (0.140)
	improve 5 years	-0.018 (0.156)	0.161 (0.115)	0.443*** (0.126)
	improve 10 years	-0.180 (0.173)	0.128 (0.129)	0.627*** (0.140)
psychological	locus of control	-3.697** (1.786)	1.534 (1.325)	5.479*** (1.442)
	PHQ	0.287 (0.910)	1.092 (0.675)	-1.137 (0.734)



	Efficacy	-2.114** (0.910)	2.962*** (0.675)	5.842*** (0.734)	
psychosocial	association	-0.212** (0.073)	-0.092* (0.055)	0.300*** (0.059)	
	social connections	-0.084 (0.245)	0.218 (0.182)	0.162 (0.198)	
	notable	1.060*** (0.285)	1.086*** (0.212)	-0.859*** (0.230)	
trust	Mother decides	0.092 (0.079)	-0.064 (0.059)	-0.083 (0.064)	
	Kinshasa	-0.659** (0.229)	0.138 (0.170)	0.776*** (0.185)	
	Bunia	-0.855*** (0.221)	0.094 (0.164)	0.829*** (0.178)	
	Local chief	-0.408** (0.167)	-0.037 (0.124)	0.380** (0.135)	
	NGO	-0.401* (0.207)	0.313** (0.154)	0.738*** (0.168)	
	Local NGO	-0.492** (0.168)	0.213* (0.125)	0.692*** (0.135)	
	MONUSCO	-0.662*** (0.192)	-0.080 (0.144)	0.723*** (0.155)	
	Judiciary (civilian)	-0.553** (0.190)	0.175 (0.142)	0.758*** (0.154)	
	Judiciary (military)	-0.642** (0.201)	-0.135 (0.149)	0.757*** (0.162)	
	ICC	-0.138 (0.187)	0.541*** (0.140)	0.707*** (0.151)	
	TFV	-0.291 (0.186)	0.914*** (0.138)	1.016*** (0.151)	
	services	Access to healthcare	0.105 (0.129)	0.215** (0.079)	0.090 (0.116)
		Access to redress	0.048 (0.046)	0.109** (0.034)	0.040 (0.037)
Teens in school		0.049 (0.053)	-0.069* (0.039)	-0.078* (0.042)	
Kids in school		-0.025 (0.046)	-0.011 (0.035)	-0.032 (0.036)	
Child labour		-0.110** (0.053)	-0.001 (0.039)	0.091** (0.043)	



**Figure 18** Heterogeneous effects (harm is loss of property)

**X.4.3. People above 40**

		difference	Total effect above 40	Total effect below 40
economic	struggle	-0.113 (0.082)	-0.003 (0.068)	-0.123* (0.068)
	food needs	0.087 (0.128)	-0.024 (0.107)	-0.183* (0.107)
	cows	-1.971 (2.309)	-1.126 (1.930)	0.003 (1.935)
	house	0.133 (0.295)	0.119 (0.247)	-0.057 (0.247)
	belongings	-0.129 (0.250)	-0.007 (0.209)	-0.019 (0.210)
	improve last year	0.274 (0.185)	0.404** (0.154)	0.103 (0.155)
	improve 5 years	0.344** (0.165)	0.463*** (0.138)	0.196 (0.138)
	improve 10 years	0.436** (0.183)	0.696*** (0.153)	0.213 (0.154)
	psychological	locus of control	-1.772 (1.902)	4.568** (1.590)
PHQ		-1.682* (0.962)	0.285 (0.804)	0.153 (0.806)
Efficacy		3.059** (0.963)	4.412*** (0.805)	2.445** (0.807)

psychosocial	association	0.016 (0.078)	0.073 (0.066)	0.161** (0.066)	
	social connections	-0.060 (0.260)	0.152 (0.217)	0.149 (0.218)	
	notable	0.328 (0.302)	0.631** (0.253)	-0.450* (0.253)	
	Mother decides	0.032 (0.085)	-0.026 (0.071)	-0.048 (0.071)	
trust	Kinshasa	0.242 (0.245)	0.207 (0.206)	0.204 (0.206)	
	Bunia	0.087 (0.237)	0.166 (0.199)	0.243 (0.199)	
	Local chief	0.002 (0.178)	-0.066 (0.148)	0.132 (0.149)	
	NGO	0.398* (0.221)	0.356* (0.183)	0.217 (0.186)	
	Local NGO	0.160 (0.179)	0.281* (0.150)	0.281* (0.150)	
	MONUSCO	-0.111 (0.209)	0.113 (0.172)	0.395** (0.177)	
	Judiciary (civilian)	-0.090 (0.203)	0.370** (0.170)	0.474** (0.171)	
	Judiciary (military)	0.084 (0.216)	0.212 (0.181)	0.303* (0.181)	
	ICC	0.010 (0.199)	0.389** (0.166)	0.621*** (0.168)	
	TFV	0.056 (0.197)	0.668*** (0.165)	0.802*** (0.165)	
	services	Access to healthcare	0.059 (0.125)	0.047 (0.089)	0.137 (0.110)
		Access to redress	0.040 (0.048)	0.146*** (0.040)	0.040 (0.040)
		Teens in school	-0.076 (0.057)	-0.060 (0.047)	0.004 (0.048)
Kids in school		-0.018 (0.049)	-0.029 (0.043)	-0.034 (0.041)	
Child labour		-0.038 (0.056)	-0.014 (0.047)	0.050 (0.047)	