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Date: **2 December 2024**

**TRIAL CHAMBER II**

**Before:** Judge María del Socorro Flores Liera, Presiding Judge  
Judge Kimberly Prost  
Judge Nicolas Guillou

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

***THE PROSECUTOR v. GERMAIN KATANGA***

**Public**

**Final report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims  
with public Annexes A and C and confidential Annex B**

**Source:** Trust Fund for Victims

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

**Trust Fund for Victims**  
Ms Deborah Ruiz Verduzco

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Victims Participation and Reparations**

**Section**

Mr Philipp Ambach

## **I. Submission of final narrative and financial reports**

1. The Trust Fund for Victims (‘TFV’) concluded the implementation of reparations in the case of *The Prosecutor v. Germain Katanga* on 6 October 2023,<sup>1</sup> with which the TFV was seized pursuant to regulations 50(b) and 54 of the Regulations of the Trust Fund for Victims by Trial Chamber II through an order for reparations pursuant to article 75 of the Statute issued on 24 March 2017 (“Reparations Order”) and largely confirmed on appeal on 8 March 2018.
2. The TFV hereby submits the final narrative and financial reports pursuant to regulation 58 of the Regulations of the Trust Fund for Victims. The final narrative report is submitted as Annex A, and the final financial report is submitted as Annex B. In addition to the reports, the TFV submits, as Annex C, the evaluation report of the University of Edinburgh commissioned by the TFV and the TFV’s management response to the evaluation.
3. This cover filing contains a summary of the main aspects of the final narrative and financial reports.

## **II. CLASSIFICATION OF THE PRESENT SUBMISSION**

4. Pursuant to Regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund for Victims has this filing and the Annexes as public.
5. Pursuant to Regulation 58 of the Regulations of Trust Fund for Victims (“TFV Regulations”), the TFV provided periodical updates to the relevant Chamber on progress in the implementation of the award, in accordance with the Chamber’s orders. Given the need to protect the victims in the context of the security situation in Ituri Province, the filings were ordinarily submitted as public redacted or confidential version. The TFV filed public redacted versions of its latest submissions given the need to keep the information relevant to the planning of reparation activities and the housing modality that involved higher amounts of cash confidential. Having completed the implementation of the programme, there is no longer a necessity to keep this information confidential, except for the individual amounts of cash that the beneficiaries received.
6. Accordingly, the TFV includes in this final report a request for reclassification as public of the following document:

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<sup>1</sup> Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, ICC-01/04-01/07-3916.

- ICC-01/04-01/07-3916

7. The TFV will submit lesser redacted versions of other documents latest by 31 January 2025 and, as necessary, an additional request for reclassification as public.

### **III. SUMMARY OF NARRATIVE AND FINANCIAL REPORT**

#### **A. Summary of narrative report**

8. Pursuant to TFV Regulations 50(b) and 54, the TFV has been seized by the Reparations Order awarding individual and collective reparations to 297 victims with the amount of liability of Mr Katanga set at USD 1 million. The order was issued on 24 March 2017 and was in large part confirmed on appeal on 8 March 2018.<sup>2</sup>

9. Pursuant to TFV Regulations 54, 55 and 57 and the Trial Chamber’s directions, the TFV developed a draft implementation plan (“DIP”)<sup>3</sup> in consultation with, in particular, victims and the Legal Representative of Victims (“LRV”) and the Legal Representative of Victims of the Office of Public Counsel for Victims (“OPCV LRV”, jointly referred to as “LRVs”). The TFV had planned that an implementing partner would be contracted by the TFV for the implementation of the awards.<sup>4</sup>

10. The TFV submitted the DIP as approved by the TFV Board of Directors pursuant to TFV Regulation 55 to the Trial Chamber on 25 July 2017. The LRVs and the Defence filed submissions on the DIP.<sup>5</sup> On 9 October 2017, the TFV and LRV jointly filed submissions amending the proposal in the DIP by stating that the individual awards for the victims living in Ituri Province would be

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<sup>2</sup> Public redacted Judgment on the appeals against the order of Trial Chamber II of 24 March 2017 entitled “Order for Reparations pursuant to Article 75 of the Statute”, 9 March 2018, [ICC-01/04-01/07-3778-Red](#).

<sup>3</sup> Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728), 25 July 2017, [ICC-01/04-01/07-3751](#).

<sup>4</sup> Draft implementation plan relevant to Trial Chamber II’s order for reparations of 24 March 2017 (ICC-01/04-01/07-3728), 25 July 2017, ICC-01/04-01/07-3751, para 52.

<sup>5</sup> *Observations relatives au projet de plan de mise en œuvre déposé par le Fonds au profit des victimes en exécution de l’Ordonnance de réparation en vertu de l’article 75 du Statut* (ICC-01/04-01/07-3751-Red), 11 September 2017, [ICC-01/04-01/07-3763-Conf](#). A public redacted version was filed on 12 September 2017 : [ICC-01/04-01/07-3763-Red](#); Observations on the Trust Fund for Victims’ Draft Implementation Plan Relevant to the Order for Reparations, 11 September 2017, [ICC-01/04-01/07-3762-tENG](#); Defence Observations on the TFV’s Draft implementation plan, 11 September 2017, [ICC-01/04-01/07-3764](#).

disbursed by the TFV itself.<sup>6</sup> The Trial Chamber approved the DIP insofar as the implementation of the individual awards was concerned on 12 October 2017.

11. As set out in Annex A – Narrative Report, the Trial Chamber approved the implementation of the different modalities of the collective reparations throughout the implementation process upon the TFV’s presentation of detailed proposals, as consulted with victims and the LRVs. These modalities were implemented by staff or experts directly contracted by the TFV itself.

12. As further set out in Annex A – Narrative Report, the 297 beneficiaries found eligible by the Trial Chamber received from the TFV individual awards of USD 250 each between December 2017 and August 2018. This completed the implementation of the individual awards. The implementation of the collective award started in June 2018 and ended in October 2023. The disbursement of the collective reparations to the relocated victims took place in June and July 2018, as reported in the previous section, given these payments were disbursed at the same time as the individual awards.

13. The implementation of the collective award was based on each victims’ individual budget by reference depending on the category of harm the victims had suffered, as explained and referred to in Annex B – Financial Report. Depending on the category, the beneficiaries had an average individual budget of USD 3,450, USD 2,850, USD 1,200 or USD 600, which they could freely distribute among the modalities of educational support, IGAs and housing support. The choices of the victims were collected during the joint LRVs-TFV missions of February/March and August 2018. The design of the measures was based on the data collected from the victims during the individual interviews held at these joint missions. During implementation, beneficiaries could change the prior expressed choices, which was communicated to the TFV through the LRVs.

14. The following provides an overview of the timeline of the implementation of the collective awards, as further addressed in Annex A – Narrative Report. The implementation took place while the conflict’s intensity in Ituri Province steadily increased and changed location throughout Ituri Province:

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<sup>6</sup> Joint Submission Concerning the Draft Implementation Plan Filed by the Trust Fund for Victims in Conformity with the Order for Reparations Pursuant to Article 75 of the Statute (ICC-01/04-01/07-3751-Red), 09 October 2017, [ICC-01/04-01/07-3767-Conf-ENG](#). A public redacted version was filed on the same day: [ICC-01/04-01/07-3767](#).

- a. The educational support modality was implemented between 2018 and 2021 for the duration of three school years, the main school year for implementation being that of 2018/2019; in that first school, an Ebola epidemic affected Bunia and surroundings;
- b. The IGA modality was implemented from 2019 until 2023 with the main part of the implementation taking place in 2019 and 2020, when the COVID-19 pandemic started;
- c. The housing modality was implemented from 2021 to 2023 with the large bulk of instalments processed in 2021 and 2022 during the continuation of the COVID-19 pandemic;
- d. The psychological support modality was implemented in 2022 and 2023, at a time that the conflict in Ituri Province had reached the area of the village of Bogoro.

15. The implementation of the collective award was completed on 6 October 2023 when the last of the 297 beneficiaries received the items of their choice to facilitate an income-generating activity (IGA) and following the completion in the same year of the implementation of the other modalities of collective reparations, notably pertaining to housing and psychological support.<sup>7</sup>

16. Annex A – The Narrative Report sets out in more detail how the TFV has pursued the main objectives set by the Reparations Order, which was addressing the harm suffered by the victims in the way the Reparations Order and the subsequent decisions of the Trial Chamber in relation to and in the aftermath of the DIP have envisaged: by delivering the individual awards to all beneficiaries and by implementing the collective award as approved by the Trial Chamber and agreed with the LRVs throughout the implementation process.

17. In 2020, the TFV conducted a competitive procurement process to commission an external evaluation of the programme, resulting in contracting the University of Edinburgh in 2021. Data for this evaluation was collected between November 2022 and January 2023, at a time that the end of the COVID-19 pandemic made such travel possible again. The final report of this evaluation is included to the filing in the enclosed **Annex C**.

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<sup>7</sup> Fourteenth quarterly update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims, 19 October 2023, [ICC-01/04-01/07-3916](#).

## B. Summary of financial report

18. The Trial Chamber ordered Mr Katanga to award USD 1 million to the victims through individual and collective awards.<sup>8</sup> Mr Katanga was considered indigent by the Trial Chamber. Pursuant to the Reparations Order, the Court continued to monitor his financial situation throughout the implementation of reparations. The TFV has, to date, not received from the Court a contribution by Mr Katanga to the payment of the Reparations Order.

19. On 17 May 2017, seven weeks after the Reparations Order was issued, the TFV Board of Directors informed the Trial Chamber of the decision to complement the payment of the awards.<sup>9</sup>

20. Through this statement, the TFV Board of Directors informed the Trial Chamber that it would complement the payment of the individual awards in full, i.e. the entire sum of USD 74,250 with an earmarked contribution by the Netherlands that had responded to the TFV's solicitation for an earmarked contribution at a total value of USD 200,000.<sup>10</sup> For the remaining amount, the TFV Board of Directors would use its available resources, in particular reparations resources.<sup>11</sup>

21. Beyond the earmarked contributions of the Netherlands of EUR 200,000 received in 2017, the Federal Republic of Germany (Germany) provided between 2018 and 2019 a total of EUR 600,000, and the Republic of Ireland in 2021 EUR 29,680 to the TFV's reparations resources, which the TFV Board of Directors allocated fully to the reparations implementation (the complement) in the case *The Prosecutor v. Germain Katanga*.

22. The reparations were implemented according to a system that the TFV and the LRV had agreed in 2017, which provided that each victim according to the level of harm suffered would receive a part of the collective award at a certain value. It was the understanding that the distribution of this "individual budget" among the different modalities of collective reparations or different income-generating activities would be at the disposition of the beneficiary. This did not apply to the modality of psychological support, where an amount was set aside to benefit the 265 beneficiaries present in Ituri Province at the end of the reparations process.

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<sup>8</sup> Reparations Order.

<sup>9</sup> Notification pursuant to regulation 56 of the TFV Regulations regarding the Trust Fund Board of Director's decision relevant to complementing the payment of the individual and collective reparations awards as requested by Trial Chamber II in its 24 March, 17 May 2017, ICC-01/04-01/07-3740, para. 50.

<sup>10</sup> *Ibid*, para. 47.

<sup>11</sup> *Ibid*, para. 44.


23. Accordingly, given that each of the 297 eligible beneficiaries had to receive USD 250, the total budget set aside for individual reparations was USD 74,250, the payment of which was fully complemented by the TFV.

24. The USD 919,462 remaining for collective reparations were divided between USD 55,650 for the 31 victims outside of Ituri Province, USD 775,500 for the collective reparations (education and housing support and items for income-generating activities) of the 266 victims living inside Ituri Province and USD 88,312 for the psychological support component. The TFV fully complemented the payment of these amounts.

25. In sum, the TFV fully complemented the payment of the Reparations Order at a value of USD 1 million, as set out in more detail in Annex B – Financial Report.

#### **IV. FOR THE FOREGOING REASONS**

The Trust Fund for Victims requests the Trial Chamber to take note of the final narrative and financial reports and to order the reclassification as public of the document referred to above in paragraph 6.



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Deborah Ruiz Verduzco  
Executive Director of the Trust Fund for Victims

Dated this 2<sup>nd</sup> of December 2024

The Hague, The Netherlands