

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-01/06**
Date: **21 August 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. THOMAS LUBANGA DYILO

Public

Order on the Trust Fund for Victims' First Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent need, in the *Lubanga* and the *Ntaganda* cases

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

Office of the Prosecutor

Counsel for the Defence

Legal Representatives of Victims

The Office of Public Counsel for Victims

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Trust Fund for Victims
Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trial Chamber II (the ‘Chamber’) of the International Criminal Court, in accordance with regulation 58 of the Regulations of the Trust Fund for Victims, issues this ‘Order on the Trust Fund for Victims’ First Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent need, in the *Lubanga* and the *Ntaganda* cases’, in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.

1. On 30 August 2023, the Chamber, in its previous composition, issued its Twelfth Decision on the Trust Fund for Victims’ (the ‘TFV’) administrative decisions on applications for reparations and additional matters, in which it noted that the judicial phase of the reparations proceedings in the *Lubanga* case had concluded, and legal representation of victims was not required outside the context of judicial proceedings.¹
2. On 27 March 2024, the Legal Representative of Victims 01 (the ‘LRV01’) submitted its Rapport final des Représentants légaux des victimes V01 (the ‘Final Report’). In the Final Report, the LRV01, following consultations with victims, formulated recommendations to improve the implementation of the reparations programme and transmitted victims’ views and concerns.² The Chamber appreciates the LRV01’s transmission of the Final Report to the Chamber and the TFV. The Chamber trusts that the TFV will, when appropriate, take the LRV01’s recommendations into account to improve the implementation of the current *Lubanga* reparation programme, as well as the design of future programmes implemented by the TFV.
3. On 28 June 2024, the TFV submitted its First Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent need, in the *Lubanga* and *Ntaganda* cases (the ‘First Update Report’), in which it responded to some of the concerns and recommendations outlined in the Final Report.³
4. While the Chamber notes the responses provided by the TFV in the First Update Report, it considers that additional information is warranted in relation to the LRV01’s submission that the communication system put in place by the TFV to allow victims to obtain

¹ Public Redacted Version of the Twelfth Decision on the TFV’s administrative decisions on applications for reparations and additional matters, ICC-01/04-01/06-3558-Conf, [ICC-01/04-01/06-3558-Red](#), paras 18-19.

² Rapport final des Représentants légaux des victimes V01, [ICC-01/04-01/06-3566](#).

³ First Update Report, ICC-01/04-01/06-3568-Conf-Exp. The Chamber notes that while it refers to information contained in a confidential *ex parte* filing, it considers that this information does not warrant confidential classification.

information, arrange appointments, or report problems is not working satisfactorily for victims and that the phone number for ‘complaints’ was usually busy or unanswered.⁴ Further, noting the LRV01’s submissions concerning the oversight of the work of the implementing partners,⁵ and given that the LRV01’s mandate has ended, the Chamber invites the TFV to consider the ways in which the concerns of victims will be addressed during the remaining implementation of the reparations programme.

FOR THESE REASONS, THE CHAMBER HEREBY

INSTRUCTS the TFV to provide responses to the concerns and recommendations of the LRV01 as set out in paragraph 4 of this Order in its next update report, expected on 28 October 2024; and

DIRECTS the TFV to review its underlying submission and either file a public redacted version, request the reclassification as public, or justify the need to maintain the current classification as confidential, if applicable, within ten days from notification of the present Order.

Done in both English and French, the English version being authoritative.

Judge María del Socorro Flores Liera, Presiding Judge

Judge Kimberly Prost

Judge Nicolas Guillou

Dated 21 August 2024

At The Hague, The Netherlands

⁴ Rapport final des Représentants légaux des victimes V01, [ICC-01/04-01/06-3566](#), paras 34, 39.

⁵ Rapport final des Représentants légaux des victimes V01, [ICC-01/04-01/06-3566](#), paras 41-42.