

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-01/06**

Date of original: **28 October
2024**

Date of submission: **19
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. THOMAS LUBANGA DYILO

PUBLIC

Public redacted version of “Trust Fund for Victims’ Second Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent needs, in the *Lubanga* and the *Ntaganda* cases”, submitted on 28 October 2024, ICC-01/04-01/06-3570-Conf-Exp

Source: Trust Fund for Victims

No. **ICC-01/04-01/06**

19 December 2024

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I. INTRODUCTION

1. This update report pursuant to regulation 58 of the Regulations of the Trust Fund for Victims (“TFV”) covers reparations related activities in the Democratic Republic of Congo (“DRC”), in relation to the cases of *The Prosecutor v. Thomas Lubanga* (“Lubanga case”) and *The Prosecutor v. Bosco Ntaganda* (“Ntaganda case”), from 29 June 2024 until 30 September 2024.

2. The structure of this report is guided by the status of implementation of implementing measures for the two categories of victims through the related TFV programmes as follows:

- i. the implementation of reparations measures for former child soldiers in the *Lubanga* and *Ntaganda* cases through the component called “Former Child Soldiers Programme”,
- ii. the implementation of reparations measures for victims of the attacks in the *Ntaganda* case through the component called “Victims of the Attacks Programme”, which includes the implementation of initial reparations measures for priority victims (victims of the attacks) in urgent needs in the *Ntaganda* case;
- iii. other programme support activities for victims in both cases which were conducted by the TFV during the reporting period; and
- iv. financial matters.

II. CLASSIFICATION OF THE REPORT

3. The present update report is classified as confidential, in line with underlying decisions and filings.¹ A public redacted version will be filed without undue delay.

¹ See in particular, Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, 27 February 2024, [ICC-01/04-02/06-2894-Conf](#). A public redacted version is available: [ICC-01/04-02/06-2894-Red](#) (“Ntaganda Second Decision on DIP”).

III. BACKGROUND AND PROCEDURAL HISTORY

4. In the *Ntaganda* case, on 24 March 2022, the TFV submitted a second version of its draft implementation plan for reparations (“DIP”).²

5. On 12 February 2024, the TFV submitted its Fifteenth Update Report on the Implementation of the Initial Draft Implementation Plan (“*Ntaganda* Fifteenth Update Report”).³

6. On 27 February 2024, the Trial Chamber, issued its Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations (“Second Decision on the DIP”), in which, it directed, *inter alia*, the TFV to file its first update report within four months from the date of the decision and that it includes information concerning progress made in relation to both the implementation of reparations in general and the implementation of reparations for victims in urgent needs.⁴

7. In the *Lubanga* case, on 6 March 2024, the TFV submitted its Twenty-fourth progress report on the implementation of collective reparations (“*Lubanga* Twenty-fourth Update Report”),⁵ in which it requested to report jointly on progress made in the implementation of reparations in the *Ntaganda* and *Lubanga* cases and amend the reporting schedule accordingly.⁶

² Trust Fund for Victims’ second submission of Draft Implementation Plan, 24 March 2022, [ICC-01/04-02/06-2750-Red-Corr](#), with [Annex 1](#). A public redacted version is available : [ICC-01/04-02/06-2750-Anx1-Red-Corr](#) (“*Ntaganda* DIP”). Following the issuance of the Addendum to the Reparations Order on 14 July 2023 (*Ntaganda* Addendum to the Reparations Order of 8 March 2021, 14 July 2023, [ICC-01/04-02/06-2659](#)), the TFV submitted supplementary information (Trust Fund for Victims’ Submission of Additional Information on the Draft Implementation Plan, 3 November 2023, [ICC-01/04-02/06-2877-Conf](#), with two confidential annexes). A public redacted version is available: [ICC-01/04-02/06-2877-Red](#) (“*Ntaganda* Additional Submission on DIP”).

³ Fifteenth Update Report on the Implementation of the Initial Draft Implementation Plan, 12 February 2024, [ICC-01/04-02/06-2893](#), page. 48.

⁴ *Ntaganda* Second Decision on DIP.

⁵ Twenty-fourth progress report on the implementation of collective reparations as per Trial Chamber II’s decisions of 21 October 2016, 6 April 2017 and 7 February 2019 and request to amend the reporting schedule to the Trial Chamber, 6 March 2024, [ICC-01/04-01/06-3653-Conf Exp](#) (“*Ntaganda* Twenty-fourth Update Report”).

⁶ *Ntaganda* Twenty-fourth Update Report, paras. 28-31.

8. On 5 April 2024, the Single Judge granted the request and directed that the upcoming consolidated reports be filed in the case record of both cases (“Decision on Amended Reporting Schedule”).⁷

9. 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 needs, in the *Lubanga* and the *Ntaganda* cases (“First Update Report”).⁸

10. On 28 June 2024, the Registry submitted its First Registry Periodic Report on Eligibility Determinations for Reparations in the *Ntaganda* case (“First Registry Eligibility Report”).⁹

11. On 12 and 23 July 2024 the Registry submitted explanatory notes and corrigenda of the confidential *ex parte* Annexes III¹⁰ and IV,¹¹ respectively.

12. On 20 August 2024, the Trial Chamber issued its Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations, endorsing the positive eligibility determination of 927 victims of the *Ntaganda* case, including 48 positive eligibility determinations for priority treatment under the Initial Draft Implementation Plan, including the 32 positive eligibility determinations that were endorsed by the Chamber in the

⁷ Thirteenth Decision on the Trust Fund for Victims’ administrative decisions on applications for reparations and additional matters, 5 April 2024, [ICC-01/04-01/06-3567](#).

⁸ 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 needs, in the *Lubanga* and the *Ntaganda* cases, 28 June 2024, ICC-01/04-02/06-2900-Conf-Exp. A public redacted version is available: [ICC-01/04-02/06-2900-Red](#) (“First Joint Update Report”).

⁹ First Registry Periodic Report on Eligibility Determinations for Reparations, 28 June 2024, ICC-01/04-02/06-2901-Conf, with one confidential annex I, confidential *ex parte* annexes II and IV available only to the TFV and the CLR2 and confidential *ex parte* annex III available only to the TFV and the CLR1. A public redacted version is available: [ICC-01/04-02/06-2901-Red](#) (“First Registry Eligibility Report”).

¹⁰ Corrigendum of Confidential *ex parte* Annex III, available only to the TFV and CLR1, ICC-01/04-02/06-2901-Conf-Exp-AnxIII-Corr; Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIII, ICC-01/04-02/06-2901-Conf-Exp-AnxIII.

¹¹ Corrigendum of Confidential *ex parte* Annex IV, available only to the TFV and CLR2, ICC-01/04-02/06-2901-Conf-Exp-AnxIV-Corr; Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIV, ICC01/04-02/06-2901-Conf-Exp-AnxIV-Corr-Anx.

Second Decision on the DIP.¹² It also approved the Registry's proposal to send eligibility determinations to the TFV in batches of 50 dossiers.

13. On 21 August 2024, the Trial Chamber issued its Order on the Trust Fund for Victims' First Update Report, instructing the TFV to provide additional information on "the communication system put in place by the TFV to allow victims to obtain information, arrange appointments, or report problems" ("Order on the First Update Report").¹³

14. The TFV hereby submits its second update report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims relevant to the combined implementation of reparations in the *Ntaganda* and *Lubanga* cases,¹⁴ focusing on quarter 3 of 2024 in terms of the reporting period as approved by the Trial Chamber.¹⁵

IV. IMPLEMENTATION OF REPARATIONS FOR FORMER CHILD SOLDIERS

15. The reparations for former child soldiers, as developed in the *Lubanga* case and as made available for this category of victims identified in the context of the *Ntaganda* case consist of two main programmes: (i) collective service-based reparations; and (ii) symbolic reparations.

12 Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations, 20 August 2024, ICC-01/04-02/06-2904-Conf. A public redacted version is available: [ICC-01/04-02/06-2904-Red](#) ("Decision on the First Registry Eligibility Report").

13 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, 21 August 2024, [ICC-01/04-01/06-3569](#), para. 4 ("Order on the First Update Report").

14 Submitted pursuant to Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparation, 21 October 2016, ICC-01/04-01/06-3251; Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, ICC-01/04-01/06-3289; Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations, 7 February 2019, ICC-01/04-01/06-3440-Red-tENG; Thirteenth Decision on the Trust Fund for Victims' administrative decisions on applications for reparations and additional matters, 5 April 2024, ICC-01/04-01/06-3567; Decision on the TFV's initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#); Second Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 27 February 2024, [ICC-01/04-02/06-2894-Conf.](#)

15 As anticipated in the *Lubanga* Twenty-fourth Update Report, para. 30.

A. Background

16. The TFV recalls the background presented in the First Update Report,¹⁶ summarising that former child soldiers and their relatives as well as other categories of indirect victims are entitled to the same reparations, regardless of the case – *Lubanga* or *Ntaganda* – in which they were identified and found eligible, and noting the two additional aspects added to the scope of reparations in the *Lubanga* case through the *Ntaganda* case, insofar as former child soldiers are concerned. First, Mr Ntaganda was additionally convicted of rape and sexual slavery against female UPC/FPLC members under the age of 15 years old. Specific measures shall be tailored to address the specificity of the harm they suffered,¹⁷ and of that of the children born out of rape or sexual slavery who were recognized as direct victims.¹⁸ Second, the Trial Chamber recognised transgenerational harm for all children of direct victims, provided that they can establish the existence of such harm.¹⁹

1. Overview of the collective service-based reparations programme

17. Collective service-based reparations are implemented through TFV partner [REDACTED]. TFV staff involved in overseeing day-to-day operations to ensure that services with reparative value are delivered to the victims.²⁰

18. The implementing partner was selected in 2020 based on a competitive procurement process, who following Court's procedures is issued with annual contracts within a multi-year programmatic framework running from 2021 to 2026. The fourth contractual year started on 1 September 2024.

¹⁶ First Update Report, paras 12ff.

¹⁷ *Ntaganda* Reparations Order, par. 119. This ruling was not affected by the appeal.

¹⁸ *Ntaganda* Reparations Order, para. 129. This ruling was not affected by the appeal.

¹⁹ *Ntaganda* Reparations Order, para. 73. This aspect was contested on appeal but the Trial Chamber maintained its ruling in the *Ntaganda* Addendum to the Reparations Order (See, *Ntaganda* Addendum, paras. 196-197).

²⁰ See in this regard, in the *Lubanga* case, the *Rapport final des Représentants légaux des victimes V01* ("*Lubanga* V01 Final Report"), 27 March 2024, [ICC-01/04-01/06-3566](#), paras 40-43.

19. To date 1,658 or 67% of the 2,471 victims found eligible by the Trial Chamber in the *Lubanga* case, have been enrolled in the Former Child Soldiers Programme

20. The programme consists of a holistic care system awarded to victims found eligible, covering medical support, psychological support, as well socio-economic support.

21. To receive reparations, victims undergo an enrolment phase which encompasses, the validation of the identity of the individual, an intake or in-depth individualised assessment to determine the needs of the beneficiary in terms of rehabilitation, as well as the preferences of the beneficiary.²¹ This phase is essential to ensuring the satisfaction of the victims with the measures received. During enrolment also a personal plan is drawn with the victims, with the services they will receive as well as the dates they will benefit from it. During enrolment, they are also provided with a physical phone which will be used by the partner or the TFV to ensure the beneficiaries remain reachable. Beneficiaries receive also the numbers of the two telephone lines that they can use for any questions concerning the programme.²² Following the enrolment, the beneficiary may start immediately receiving tailored psychological or physical treatment depending on the level of harm or urgency. While receiving medical and psychological treatment or attending training, beneficiaries may also receive financial support to compensate transportation costs and the loss of earnings.

22. Enrolment takes place on a rolling basis throughout the year. As soon as the implementing partner receives the updated contact information regarding a new batch of beneficiaries, they contact them without delay to provide them information about the intake. Upon intake, victims receive a schedule for the upcoming meetings and treatments.²³

23. The programme is available to victims residing in any location within Ituri. Medical treatment is organised as closely as feasible to victims' locations, by relying on a network of

²¹ Until 2023, prior to being referred to the partner, beneficiaries were informed of this upcoming contact with the implementing partner by their LRV. With the amendment to the role of the LRV (Twelfth decision on the TFV's administrative decisions on applications for reparations and additional matters, [ICC-01/04-02/06-3558](#), para. 19), updated contact information has been provided by the LRV and the TFV is now tasked with ensuring this first contact with the implementing partner.

²² See in this regard, *Lubanga* V01 Final Report, paras 15-18 and 19-20.

²³ See *Lubanga* V01 Final Report, paras 19-20 and paras 34-35 and 39.

partners such as hospitals, and *centres de santé*. Complex cases, requiring more specialised treatment may require transfer to facilities within or outside of Ituri Province, DRC. In cases requiring treatment limiting the ability of beneficiaries to care for themselves, transfers to suitable care facilities are arranged and adequate financial support is provided, as required. During the entire duration of the treatments, regular coordination meetings take place between the various professionals to ensure the proper roll-out and holistic nature of the care provided. Once treatment is completed the professionals involved in the treatment of the patient meet to ensure that the case can be closed. In some complex cases, or when the victim refuses to treatment being completed, the opinions of external experts are sought to inform any decisions of closing treatment.²⁴

24. Mental healthcare is provided by professionals (psychologists or psychiatrist depending on the type of treatment required) and can take various forms depending on the diagnosis.²⁵

25. Support for education (schooling and university), which is part of the socio-economic measures, starts in parallel to medical and psychological treatment. Victims receive schooling support for two years and university support for three years.

26. Other socio-economic measures commence only as soon as medical practitioners determine that the beneficiary is physically and mentally fit. Socio-economic rehabilitation starts with the provision of a lump sum that allows the beneficiaries the necessary financial support to attend a vocational training and literacy course, as applicable. A starter kit for the training is made available to the victim. Once the training ends and beneficiaries are required to develop a business plan they are guided through the start of their income generating activities and receive the starter kit and a cash grant for the first year of implementation. The cash grant amount is set at the same level for all beneficiaries. The direct guidance of the implementing partner continues for a minimum of three months. The advice and support of the implementing partner remains accessible to the beneficiaries thereafter for the duration of the programme. Progress on the

²⁴ See *Lubanga* V01 Final Report, paras 23-26.

²⁵ See *Lubanga* V01 Final Report, paras 21-22.

implementation of the programme is reported below in relation to i) vocational training, ii) income-generating activities; and iii) educational support.

27. For the vocational training beneficiaries may choose between two types of training: (i) a basic training that lasts only 10 days and provides them with basic skills such as book-keeping and accounting and is recommended only for victims who already exercise an income generating activity and do not wish to undergo a vocational training; or (ii) a full-fledged vocational training, which lasts between two to four months and that enables them to develop a new specific skill (for instance tailoring, cooking, carpentry etc). Prior to making a choice, each beneficiary benefits from personalised counselling, taking into account their ambitions, current situation, ability and results from the market research conducted by the implementing partner.²⁶ The training component of the programme also employs the Start and Improve Your Business (“SYIB” or “GERME” in French) methodology developed by the International Labour Organisation to reinforce the capacities of the beneficiaries in ensuring the sustainability of their business.²⁷

28. Once socio-economic activities conclude, the service is considered completed. However, beneficiaries are met periodically for a period of three months thereafter to monitor the use of the income generating activities and provide them with support when required. After the third month, support is provided for the length of the project based on requests made by the beneficiary to the project team. Beneficiaries are always provided information on the possibility to make use of the *mutuelles de solidarité* (“MUSO”), a form of village savings and loans association. Experience has shown that beneficiaries often elect not to participate therein.²⁸ The choice made by the victim is always respected.

29. In the first three years of the programme, implementation focused on victims in Ituri province. From the fourth contractual year, the TFV will be able to address socio-economic

²⁶ See *Lubanga* V01 Final Report, paras 27-29.

²⁷ For more information on the SYIB methodology, see for instance, this [guide](#) (last consulted on 28 October 2024).

²⁸ See *Lubanga* V01 Final Report, paras 30-31.

measures for eligible victims outside of Ituri Province, who will receive a lump sum *in lieu* of the socio-economic measures.

30. In addition to all the measures above described, a starter sum in cash for victims could be part of the programme as of earliest the fourth contractual year. Given the limited resources available in TFV reserves, the TFV has decided to postpone the implementation of the starter sum, until the continuous availability of resources can be ensured for all eligible victims, especially including victims of the attack.

31. *Indirect victims*: Parents who lost their child before the child could be found eligible by the Court; victims who attempted to prevent the commission of the crime; and intervening victims will receive the same reparations and be subject to the same process as direct victims. Where both parents were found eligible as indirect victim, only one of the parents will be treated in the same way as the direct victim, the other parent (and potential siblings) as indirect victims.²⁹.

32. All other indirect victims, *i.e.* foremost family members of direct victims who returned after spending time in the militia, will benefit as of the fourth contractual year from a personalised intake and will thereafter gain access to appropriate and tailored psychological support.

33. In 2024, the TFV will commence addressing victims who suffered transgenerational harm and were found eligible by the Court will also be taken into the programme,³⁰ receiving psychological care tailored to their harm.

34. *Sexual and gender-based violence victims*: As of the fourth contractual year, the implementing partner ensures that former child soldiers who suffered sexual and gender-based violence when in the FPLC/UPC are appropriately accompanied throughout the service-provision and receive appropriate care. This extends as of the fourth contractual year also to children born out of rape or sexual slavery who will have access to physical, psychological and socio-economic measures as the former child soldiers but tailored to their specific situation. The

²⁹ This is different from the process of succession described in *Ntaganda* DIP, para. 399.

³⁰ *Ntaganda* Reparations Order, paras; 71-72 and 183(d)(iv); *Ntaganda* Addendum to the Reparations Order, paras 196-197.

care provided in the past three contractual years to victims of sexual and gender-based violence is currently re-assessed as to the quality of care provided and, based on this assessment, additional psychological or physical support may be offered to the victims.

35. *Monitoring:* Throughout the process, the TFV and the implementing partner monitor the effectiveness of the rehabilitative activities and adopt, where needed, remedial measures.

2. Overview of symbolic reparations

36. Symbolic reparations are implemented by the TFV through Ituri-based implementing partners [REDACTED] since October 2021. Implementing partners were selected via procurement procedure in 2020, within a contractual framework set to conclude at the end of March 2025. The implementing partners are responsible for two activities: (i) the construction of symbolic structures, in the form of memorialisation centres aimed at hosting various communal activities of symbolic nature; and (ii) the development of mobile memorialisation initiatives in communities that will promote awareness raising of the crimes and resulting harms, reintegration, reconciliation, and memorialisation.

The location of the memorialisation centres was determined through four rounds of community consultations taking into account various criteria, such as whether the community was particularly affected by the conscription, enlistment and use of child soldiers. Ultimately, it was decided that four centres would be built in respectively Katoto, Mahagi, Rwampara, and Tchomia. To ensure the sustainability of the measures and ownership by the communities, local committees were set up to ensure oversight on the construction and to ultimately manage the centres upon completion of the construction. The construction of the memorialisation centres started in 2023 and is in its final phase.

37. For the awareness raising activities, the programme operates in Bunia and throughout the Irumu territory (in particular in Rwampara and Bogoro), Djugu territory (in particular in Katoto, Mandro and Tchomia) and the Mahagi territory. These activities aim at raising awareness and address the existence of stigmatisation on former child soldiers in the form of mobile memorialisation initiatives, including thematic workshops on the consolidation of peace, social

cohesion and non-repetition of the recruitment of children under 15 years and their use in armed hostilities.

38. *Apology*: In addition, measures related to an apology from Mr Ntaganda will also be developed as previously set out in the First Update Report.³¹

B. Update report on implementation of collective service-based reparations for former child soldiers

39. The present report covers activities that took place in the third quarter of 2024 (Q3 covering July through September).³²

40. As mentioned above, to date, 1,658 out of the 2,471 victims found eligible by the Trial Chamber in the *Lubanga* case, have been enrolled in the Former Child Soldiers Programme. During the reporting period, 72 additional beneficiaries were enrolled in the programme. During the fourth year of the programme which started on 1 September, the TFV expects to enroll all the remaining reachable direct eligible victims and all indirect victims found eligible via the *Lubanga* reparations.

41. In the reporting period, the TFV has contacted additional victims found eligible in the case *Lubanga*, primarily based on the updated contact information that was provided by the different teams of legal representatives before ending their mandate in line with the Trial Chamber's instruction.. During this contact, beneficiaries are explained the next steps and provided with a timeline for their first contact and intake with the partner.³³

42. The Trial Chamber endorsed in August 2024, the eligibility determination by VPRS of a total of 245 former child soldiers in the context of the *Ntaganda* case.³⁴ As discussed between

³¹ First Update Report, paras 51-52.

³² As anticipated in the *Lubanga* Twenty-fourth Update Report, para. 30.

³³ See also *Lubanga* V01 Final Report, paras 15-17.

³⁴ See First Registry Eligibility Report, para. 19 where the number of former child soldiers assessed as eligible is 246. See also corrigendum and explanatory note of Annex III, para. 2, where one individual is twice assessed as eligible under two distinct reference numbers, bringing the total number of former child soldiers assessed as eligible to 245. See Decision on First Registry Eligibility Report, para. 8, where the Trial Chamber endorses the

the TFV and VPRS in July 2024, given the need to ensure that the contact details of those beneficiaries who were formerly participating victims are up to date, the TFV will contact the victims within 30 days after receiving updated contact details from VPRS in order to explain to them what kind of reparations they can expect.

43. At the end of the reporting period, a total 162 victims could not be reached for intake into the programme. The implementing partner continues efforts to establish contact with victims who remained unreachable over the past reporting period(s), and as noted in the previous report, weekly follow-up calls have been conducted. Given phone calls have not proven successful in all cases and the need to expeditiously include all direct victims in the programme, the TFV has requested the implementing partner to take additional steps in autumn 2024 to locate and contact those victims. The implementing partner has since hired two persons to proactively engage within the communities and families to establish contact with those victims.

1. Progress concerning mental health and physical care

a) Mental health care

44. During the reporting period, 295 new beneficiaries were enrolled into and began to receive psychological care, bringing the total number of victims cared for since the start of the programme to 1,588.

b) Physical health care

45. During the reporting period, 288 beneficiaries were enrolled into physical care and started receiving at least one kind of physical health service, including medical diagnosis, bringing the total number of victims cared for since the start of the project to 1,518. In the reporting period, 132 victims benefitted from primary and secondary care. A total of 8 individuals benefitted from specialist care (prosthesis and surgery). Also, 7 beneficiaries are receiving treatment for chronic

now 927 positive eligibility determinations for reparations. The TFV notes that there may be a number of victims who have already been determined eligible in the context of the *Lubanga* programme.

diseases that arose out of what they endured in the militia including referrals to functioning government supported health programmes for specific chronic diseases like HIV/AIDS.³⁵

2. Progress concerning socio-economic rehabilitation

c) Trainings offered (basic training and vocational training)

46. During the reporting period, 368 beneficiaries benefitted from the basic training, out of which 101 followed vocational training leading to a qualification in either driving, mechanic work, culinary arts, aesthetics, tailoring, automotive electricity, computer science (83 beneficiaries) or agropastoral (18). In total, 1,490 benefitted from basic training and 1,198 from vocational training between the start of the project and the end of the reporting period.

d) Income-generating activities

47. During the reporting period, 384 beneficiaries, who were ready to develop a business plan and receive advice, were guided through the start of their income-generating activities and received a cash grant to help them set up a business.

48. This brings the total number of beneficiaries having benefitted from the cash grant to set up their income generating activities to date to 1,358 beneficiaries.

e) Educational support

49. So far, 2,032 beneficiaries and their dependants benefitted from educational support including 256 new beneficiaries and dependants for this quarter, and 189 beneficiaries or their close family members (spouse or biological child) are benefitting this year from support for three-years of university studies. A total of 269 victims have benefitted from university support since the start of the project.

³⁵ See *Lubanga* V01 Final Report, paras 23-26. Chronic diseases such as high blood pressure or else are addressed.

f) Socio-economic starter sum

50. As mentioned above, this measure has been put on hold until at least next year and until continuous funding is available to secure this measure for all eligible victims.

3. Lump sum in lieu of services

51. Execution of these payments is to start taking place in the last quarter of 2024. The TFV is currently planning a mission to Kisangani to verify the identity of the beneficiaries that have been deemed eligible residing outside Ituri. This in-person verification exercise conducted by TFV staff will enable collection of the appropriate data required for the payment the lump sum, which will be initiated in the next quarter. Following the collection of an up-to-date list, the information of the relevant beneficiaries will be shared with the implementing partner so that payments can be executed.

4. Development of specific reparations measures to address specific forms of harm arising out of sexual and gender-based crimes

52. To realise the reparations programme to address the specific harm of victims of rape and sexual slavery for which Mr Ntaganda was convicted, the TFV and the implementing partner are in the process of selecting a locally knowledgeable expert on sexual and gender-based violence³⁶ in order to evaluate the services by the victims who already benefitted from part or all of the reparations measures to identify potential gaps and additional measures to be developed and advise the TFV and its partners on the development of specific measures. The process to select the expert is currently ongoing.

5. Additional information on communication system put in place by TFV³⁷

53. The Trial Chamber requested the TFV to focus in this report on the communication system put in place by the TFV given the Legal Representatives of Victims' (LRV) role in the reparation

³⁶ In compliance with the ruling of the Chamber, see *Ntaganda* Second Decision on the DIP, para. 37.

³⁷ Requested by the Trial Chamber in its First Decision on the Registry Eligibility Report, para. 4.

implementation ended.³⁸ Until recently, when LRVs had a role during the implementation phase, beneficiaries who were listed as clients of a specific legal representative could approach them with concerns and questions about the reparations programme. It was for the LRVs to decide whether and how to communicate those concerns to the TFV or the Trial Chamber. Also, LRVs, based on the information that was provided by the TFV, could respond and address many of the concerns of the victims directly. In addition, once the implementing partner under the supervision of the TFV had put in place a complaints mechanism, the LRVs could refer the beneficiaries to the complaints mechanisms or report any issues relevant to this complaints mechanism to the TFV. LRVs in this role acted as facilitators of communication and quality assurance, ensuring the flow of information between victims and the programme in relation to basic information as well as in relation to beneficiaries' concerns or complaints.

54. The LRVs had, in addition, a crucial role in the process of referring the beneficiaries who were found eligible by the Court to the programme for intake. In the process of eligibility determinations, the LRVs had the role to file with VPRS the applications for eligibility on behalf of their clients. Accordingly, the process of referral of beneficiaries at the start of the Lubanga programme (commencing March 2021) was established in the following way:

- LRVs were responsible for maintaining and updating contact information of victims they represented;
- LRVs provided the TFV the corresponding batch of names of beneficiaries with updated contact information, who they ideally contacted before referring them to the TFV;
- The TFV would immediately transmit the list to the implementing partner;
- The implementing partner would contact the beneficiaries on the list based on the identifying and contact information provided on this list and invite them for intake to the premises of the implementing partner.

55. The beneficiaries referred to the implementing partner would have to show identification documents, based on criteria determined by the jurisprudence of the Court, to the implementing

³⁸ See Order on the First Update Report, para. 4.

partner which had the task to ensure that the person before them was the same person as on the list provided by the TFV/LRVs to the implementing partner.

56. It was considered at the time – by TFV and LRVs – that this contact via the LRVs would ensure that the beneficiaries found eligible would be referred to the implementing partner and in a timely manner. A similar process had been applied in the case *Katanga*. Accordingly, until the moment of intake, the holders of the victims’ contact information and those in charge of updating the contact information were the LRVs. To summarize, the LRVs had a) a crucial role in verifying the identity of the persons referred to the TFV in batches as the persons who were found by the Court to be eligible victims, and b) they maintained the contact with the victims to ensure that their contact information was up-to-date until their intake into the programme.

57. Upon the August 2023 decision by the Trial Chamber, ending the mandate of the LRVs during reparation implementation,³⁹ through consultations held thereafter, LRVs and TFV agreed that the LRVs would update the contact information of all victims who they had not yet referred to the TFV, and that they would submit these lists to the TFV. By June 2024, the TFV had received the last such list from the LRVs. The lists of two of the groups contained all their clients with the information as available to the LRVs at the time of the transfer of these lists, while one group did not transfer a complete list of all clients to the TFV.

58. In the new configuration without LRVs having a role during implementation, it is essential to fill the functional gaps. To do so, the TFV has put in place various measures that constitute a communication system to strengthen information between the implementing partner, the TFV and beneficiaries. The communication system has the goal of enabling incoming communications from beneficiaries in the form of questions, requests for information, or other issues, and distributing information on programming, on changes or updates, and to issue queries or surveys. This system is used to regularly and systematically reach out to victims who need to be included in the programme, reach out to other victims to update contact information, and enable victims to reach out to the TFV in order to facilitate the update of contact information. The update of

³⁹ Twelfth Decision on the TFV’s administrative decisions on applications for reparations and additional matters, 30 August 2023, ICC-01/04-01/06-3558-Conf. A public redacted version is available: [ICC-01/04-01/06-3558-Red](#).

contact information of beneficiaries who were taken in by the implementing partner lies with the implementing partner.

59. The TFV hereby reports on the concrete measures taken and challenges experienced, some of which already existed in the past and were often addressed together with the LRVs. Others are compounded by the additional roles that the TFV has been taken on in the past months:

Concrete measures taken:

60. *Direct contact with TFV staff:* In terms of incoming communications with TFV as recipient of contacts, victims, whose contact details are available to the TFV and beneficiaries regardless of whether they had or had not yet started to receive services received the contact details of four communication lines, each serviced by one TFV Bunia-based staff member. Beneficiaries are also informed about languages of communication to ensure they choose the right line of communication. Follow up on calls and messages from beneficiaries are thus responded to in French, Swahili, or Lingala. In this respect, two of the TFV's locally-based staff are fluent in the local languages, facilitating interaction with beneficiaries without the need for interpretation services.

61. In the reporting period, an estimated 120 calls and 200 SMS were received. Ninety-five percent of interactions have since been aimed at the need for information of victims who have not yet been admitted, or of victims presenting problems related to their identity at admission into the programme.

62. *Beneficiary case representative:* The TFV is also in the process of engaging a beneficiary case representative to be responsible for responding to or channeling the questions of victims to the responsible individuals – whether implementing partner or TFV staff – , ensuring record-keeping, and engaging with beneficiaries as a general point of contact. This additional resource will focus only on the interaction with beneficiaries and victims.

63. *Message delivery platform:* To facilitate outgoing communications, the TFV and implementing partner developed in 2023 a message delivery platform. The message delivery

process is carried out in three steps, including message preparation by the implementing partner or the TFV, as appropriate, validation of the message by TFV, and then delivery of messages via the platform in French, Swahili, Lingala, and Alur, according to the language preferred by each victim.

64. Messages are transmitted to victims via both cellular (SMS) and WhatsApp messaging. Two categories of messages are sent to beneficiaries. These include messages on specific aspects of the care provided, which originate from the implementing partner, and may be directed to individual beneficiaries or groups of beneficiaries and messages that relate to the framework of service delivery, which originate from TFV, and are directed to all or groups of beneficiaries. This regular information transmitted to the beneficiaries allows a single line of central communication, in order to avoid misunderstandings or rumors.

65. *Proactive role in updating contact information:* Having received the last lists with victims for inclusion in the programme from the LRVs in June 2024, who are in the process of being included in the programme, the TFV has since concentrated on mapping additional beneficiaries living outside of Ituri Province. The TFV has to ensure the identity and contact details of beneficiaries living outside of Ituri province prior to the payment of their lump sum *in lieu* of services by the implementing partner, a modality that is starting in the fourth contractual year. For this purpose the TFV will, in the next reporting period, travel outside of Ituri province to the locations of the victims (Kisangani and Kinshasa) to map their location, update telephone contact, address, identity documentation and other relevant contact details to ensure payments by the implementing partner are effected to the correct, eligible individuals.

66. In addition, victims addressed directly the TFV through the available four communication lines with lists of eligible beneficiaries or presented themselves as eligible beneficiaries. In the next reporting period, the TFV expects to know how many of the eligible beneficiaries have not yet been referred to the TFV by the LRVs.

67. *Individual case monitoring:* The TFV has ensured over the past year through daily direct interactions with the implementing partner that the implementing partner itself improves its one-to-one communication with the beneficiaries once they have been enrolled. A plan indicating

when services will be delivered is transmitted to each beneficiary, and changes thereto communicated, insofar as possible. During the third contractual year, focus has been laid for monitoring socio-economic activities. The implementing partner's staff has started to follow-up in person to determine how beneficiaries were able to start up or continue their business after the socio-economic services ended. Due to the need to strengthen the implementing partner's services in relation to victims of rape and sexual slavery, the implementing partner committed to ensure that those victims in particular are closely accompanied throughout the service delivery.

68. *Continuous strengthening of complaints mechanism:* While the above-described measures aim at improving the beneficiaries' acceptance of the services, the complaints mechanism put in place in 2022 has been continuously improved since its inception. Through this mechanism, the TFV receives a monthly beneficiary complaint management report, which records the beneficiaries' complaints, the actions taken to resolve the complaint and an assessment of the beneficiaries' satisfaction on action taken. These complaint management reports are analysed monthly by the TFV who can then contact the beneficiaries concerned for additional information.

Challenges and incidents fact-checking

69. *Victims who cannot be found:* Since end of 2021 already, the TFV had identified that a number of beneficiaries referred to the TFV by the LRVs cannot be found. In the past, the LRVs had been requested to engage in locating and contacting beneficiaries to enable their inclusion in the programme. In addition, the TFV implementing partner invested considerable time in attempting to reach beneficiaries, based on the contact information provided by the LRVs.

70. While some beneficiaries were eventually found, the number of victims who cannot be found is currently still high. Accordingly, from September 2024 (start of the fourth programme year), the TFV has enabled the implementing partner to increase the investment into the team responsible for searching for persons in their homes or the homes of their families (see supra para. 42).

71. *Impersonation of beneficiaries and verification of identity documents :* As mentioned above, the enrolment process includes the verification of identity documents. The TFV had experienced

in June 2022 cases of impersonation, namely individuals who claimed to hold the name of a beneficiary included in the list of the LRVs, in order to be enrolled in the programme. The TFV at the time detected the issue before those persons entered the programme. As a result from this experience, the TFV strengthened its mechanisms of verification of identity. In the reporting period, the TFV focused on verifying identity documents of persons who presented themselves for intake, and about whose identity as eligible beneficiary the implementing partner had doubts. Based on the practice agreed between the TFV and the implementing partner, those cases are referred to the TFV for guidance, leading to TFV support in checking up identity documents available in the record as part of their original applications. The verification of identity of a number of individuals is currently ongoing.

72. [REDACTED]

C. Update report on implementation of symbolic reparations for former child soldiers

73. In relation to the first component of the symbolic reparations, namely the construction of the centres:

- i. The building in Rwampara, is nearly fully constructed (90% complete), with the focus now on executing internal and external finishes such as painting following completion of roof and tile installation.
- ii. The building in Mahagi is 70% complete, with roofing, tiling and plastering currently ongoing.
- iii. The work at the Tchomia is 40% complete. Doors and windows are installed with plastering, roofing, tiling and painting pending. Despite multiple measures to secure the site, work has remained suspended as part of the population has fled to more secure locations due to violence in the region. The resultant loss of local labour force has caused significant delays, as well as logistical and financial challenges.

- iv. In Katoto work is 30% complete. The construction of much of the foundation has been completed. The security situation in Katoto is similar to Tchomia, with the additional complexity of difficulties in accessing the site and supply of construction materials due to poorly maintained roads.

81. Inauguration and handover ceremonies of the centres will take place in Rwampara and Mahagi in the first quarter of 2025. To prepare for the handover, the TFV is engaging external engineer expert to verify and prepare the quality certification.

74. The second component of the symbolic reparations, namely awareness-raising activities continue to be implemented, affected by delays with the construction of the centres. Three community dialogues were held on the theme of preservation of the symbolic structures built for the benefit of the community. Eight radio programmes were broadcast on the theme of tolerance in the face of rising inter-community tensions with the aim of avoiding recurrence of violence. Additionally, a community therapy session was held in Katoto.

75. Due to the aforementioned challenges, the TFV has proceeded with a no-cost extension of the contract with the partner organisation [REDACTED] until 31 March 2025 to enable completion of the construction of the community centres.

D. Former child soldiers in urgent needs and end of IDIP programme for former child soldiers

76. In the Reparations Order, Trial Chamber VI directed the TFV to propose reparations measures for priority victims in urgent needs.⁴⁰ Accordingly, on 8 June 2021, the TFV submitted an initial draft implementation plan (“IDIP”)⁴¹ and, on 23 July 2021, the Trial Chamber partly approved it.⁴² Initial reparations measures were designed so that priority victims in urgent needs can benefit from reparations measures pending the availability of the full programme.

⁴⁰ *Ntaganda* Reparations Order, p.97. This ruling was unaffected by the appeal proceedings.

⁴¹ Report on Trust Fund’s Preparation for Draft Implementation Plan (notified on 9 June 2021), [ICC-01/04-02/06-2676-Conf](#), with [Annex A](#), Initial Draft Implementation Plan with focus on Priority Victims. A public redacted version is available: [ICC-01/04-02/06-2676-Red](#) with Annex: [ICC-01/04-02/06-2676-AnxA-Corr-Red](#).

⁴² Decision on the TFV’s initial draft implementation plan with focus on priority victims (‘Decision on the IDIP’), 23 July 2021, [ICC-01/04-02/06-2696](#).

Accordingly, pending completion of the appeals proceedings, the TFV maintained an arrangement in place with its assistance programme partner to ensure that, if any former child soldier with urgent needs was referred to it, it could readily access direct measures.

77. In 2021, priority victims with urgent needs started receiving services. Former Child Soldiers in urgent needs were referred to the TFV by their legal representative and received services from the TFV, supported by the TFV implementing partner [REDACTED].

78. In 2023, no former child soldier in urgent needs was referred to the TFV.⁴³ In 2024, one former child soldier in urgent need was found eligible by the Court and referred to the TFV, as reported in the First Update Report.⁴⁴ Given this aligned in time with the Second Decision on the DIP, that approved the operationalisation of the Former Child Soldiers Programme, this victim is being included directly in the Former Child Soldiers Programme. The arrangement with the TFV assistance programme partner for the purpose of the IDIP ended with effect of 1 May 2024. Any other former child soldier victim to be found eligible going forward will benefit directly from the Former Child Soldiers Programme.

V. IMPLEMENTATION OF REPARATIONS FOR VICTIMS OF THE ATTACKS

79. The second group of victims in the case *Ntaganda* concerns the group of victims of the attacks by the UPC/FPLC, which is estimated by the Trial Chamber to consist of about 7,500 victims, including indirect victims.⁴⁵

A. Background

80. The TFV recalls that victims of the attacks are to be awarded reparations similar to those already ordered for former child soldiers in the *Lubanga* case, to promote “equal reparations to avoid jealousy, animosity or stigmatisation among affected communities and different groups of

⁴³ Trust Fund for Victims’ Ninth Update Report on the Implementation of the Initial Draft Implementation Plan, 30 January 2023, [ICC-01/04-02/06-2817-Conf](#). A public redacted version is available: [ICC-01/04-02/06-2817-Red](#).

⁴⁴ First Update Report, para. 88.

⁴⁵ *Ntaganda* Addendum to the Reparations Order, para. 343.

victims”.⁴⁶ The Trial Chamber found it therefore appropriate, on the basis of the *Lubanga* reparation implementation, that all victims be provided “with service-based collective reparations with individualised components directed at their physical, mental, and socio-economic rehabilitation, together with other collective modalities of reparations, which include symbolic and community measures”.⁴⁷ Only victims of the attacks in urgent needs benefit, at this stage, from initial reparations in the context of the IDIP, as referred to in paragraph 76.

81. As such, the following measures were approved by the Trial Chamber: a programme providing the same services to the victims of the attacks as it does to the former child soldiers described above,⁴⁸ with the additional feature of symbolic and satisfaction measures in relation to the death of Abbé Bwanalunga and the destruction of the Sayo Health Centre.

B. Update report on implementation of reparations for victims of the attacks

82. On 28 June 2024, the Registry submitted the ‘First Registry Periodic Report on Eligibility Determinations for Reparations, issuing positive eligibility determinations for reparations, among which 638 determinations relevant to previously participating victims of the attacks and 16 determinations relevant to non-participating victims of the attacks eligible for priority treatment under the IDIP programme.⁴⁹ These eligibility determinations were endorsed by the Chamber in its Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations. The process of contacting the victims is the same as set out above in paragraph 43.

83. Following discontinuation of a previous request for expression of interests,⁵⁰ a new request for expression of interest to select a suitable partner(s) to roll out the measures as approved by the Trial Chamber was prepared and posted by the TFV. In parallel to the period in which this request was open, the TFV team in Bunia continued to disseminate information about the

⁴⁶ *Ntaganda* Addendum to the Reparations Order, para. 20.

⁴⁷ *Ntaganda* Addendum to the Reparations Order, para. 20.

⁴⁸ See *Ntaganda* First Decision on the DIP; *Ntaganda* Second Decision on the DIP.

⁴⁹ First Registry Periodic Report on Eligibility Determinations for Reparations, ICC-01/04-02/06-2901-Conf, 28 June, 2024, paras 16 and 23; as to the final number see the corrigendum and the Decision

⁵⁰ A previous expression of interests has been discontinued based on the limited number of suitable applicants and the decision to put more emphasis on cash payments due to the downsizing of the country.

selection process in order to ensure that as many as possible suitable organisations apply. The request for expressions of interest closed on 15 October 2024.

C. Victims of the attacks in urgent needs and updates on the implementation of the IDIP for victims of the attacks

84. In 2021, priority victims with urgent needs started receiving services through the IDIP programme. Victims of the Attacks in urgent needs were referred to the TFV by their legal representative and assessed for their eligibility and whether they were in urgent needs by the TFV before they received services from the TFV, supported by the TFV implementing partner [REDACTED].

85. The TFV refers to its previous update report enumerating the IDIP measures provided to eligible victims according to their urgent needs, which are organised around three pillars: psychological support, medical support and socio-economic support. Reparations measures provided to priority victims in urgent needs are similar to reparations measures provided to Former Child Soldiers benefitting from the main programme; IDIP measures will therefore be complemented to ensure that all victims are treated equally and receive the same measures.

86. On 20 August 2024, the Chamber endorsed, amongst others, the Registry's 48 positive eligibility determinations for priority treatment under the IDIP programme, including 32 positive eligibility determinations previously endorsed by the Chamber in the Second Decision on the DIP and included in the programme if reached.⁵¹ Thus, a list of 16 eligible victims with updated contact information was transmitted to the TFV.⁵²

87. Of the 16 victims in urgent needs whose eligibility was approved in the Decision on the First Registry Report, all 16 were victims of the attacks. Pursuant to the First Decision on the DIP, the TFV contacted them within 30 days of the Trial Chamber's decision on their eligibility.⁵³ Two individuals remain unavailable, but the TFV is attempting to establish contact regularly –

⁵¹ First Registry Periodic Report on Eligibility Determinations for Reparations, ICC-01/04-02/06-2901-Conf, 28 June, 2024, para. 16

⁵² Email by VPRS to the TFV of 21 August 2024.

⁵³ *Ntaganda* First Decision on the DIP, para. 170.

at least once a week – by way of phone calls and messages through the communication system as referred to above in the context of the Former Child Soldiers Programme.

88. As described above in paragraph 83, the TFV is currently working on developing the fully fledged programme for victims of the attacks. Accordingly, the TFV is maintaining its programme for victims in urgent needs. As set out in the First Update Report, the programme will be able to accommodate a maximum of 200 victims with urgent needs in the course of approximately 12 months, insofar as referred on a rolling basis, with the programme ending foreseeably by 30 April 2025.

89. As the provision of services takes a number of months (so that the medical support can be provided, as well as psychological support, training and income generating activities), it is important that victims are referred to the TFV at the latest during the last quarter of 2024, so that services can be rolled out for them in the first half of 2025.

90. All victims found eligible and who the TFV managed to contact went through intake and started receiving services. For the reporting period, 14 new victims were admitted in the programme. In total, 108 victims of the attacks have benefitted from at least one service provided by the implementing partner. The 14 beneficiaries admitted to the programme in the reporting period received medical and psychological care, including through initial meetings to determine their immediate needs and establish a personalised health plan. In addition, 43 previously included beneficiaries received follow-up psychological and physical rehabilitative care, including hospital visits, and follow-up consultations with healthcare providers to assess progress and necessary adjustments.

91. In total, to date since the start of the programme for the victims of the attacks, 108 beneficiaries received medical and psychological support and 93 have participated in a training or income-generating activity.

VI. OVERARCHING PROGRAMMATIC ACTIVITIES

92. *Collaboration with ICC's sections* – as the implementation of the reparations measures by the TFV is contingent upon the work of PIOS⁵⁴ in terms of outreach and that of VPRS in terms of identification of eligible victims, the TFV endeavors to inform them of the progress made and challenges encountered on a regular basis, in particular through a monthly coordination meeting instituted as of August 2024. At these meetings, VPRS, PIOS and TFV engage to exchange on updates related to the identification, verification, communication with victims and affected communities, and other efforts undertaken by the VPRS and PIOS respectively. Working sessions to determine the most appropriate methodology to inform victims on their eligibility once the VPRS assessments are endorsed by the Trial Chamber, in a manner that is at the same time efficient, consonant with the Trial Chamber's decision,⁵⁵ and compliant with the do no harm principle are ongoing.

93. *Financial issues* - In the reporting period, the TFV obligated USD 2,818,720 for the fourth contractual year of the Former Child Soldiers Programme relevant to the *Lubanga* and *Ntaganda* reparations, which commenced on 1 September 2024. Throughout the fourth year, the TFV expects to enroll all remaining beneficiaries found eligible in the *Lubanga* reparations and all direct beneficiaries found eligible via the *Ntaganda* reparations. With the issuance of this contract, the TFV has exhausted the resources that had been made previously available from allocations made by the Board of Directors to complement the *Lubanga* Reparations Programme. The TFV anticipates that at least USD 1 million will be necessary in 2025 to cover the costs of all enrolled victims in the fifth year of operation. Additional resources will be required for the cash starter sum.

94. Concerning the *Ntaganda* Victims of the Attacks Programme, USD 404,494 are held in reserve from a prior Board allocation. It is anticipated that these resources will be dedicated to the start of the programme for victims of the attack in 2025. Mobilisation targets for the *Ntaganda*

⁵⁴ The TFV worked closely with PIOS in its preparations of the radio outreach campaign.

⁵⁵ *Ntaganda* First Decision on the DIP, para. 185(g). See also, First Update Report, fn. 59.

Victims of the Attacks Programme are set at a total of USD 20,100,000, and the annual target at least USD 3 million, and ideally USD 5 million.

95. To enhance fund mobilization efforts, the TFV has requested the Assembly of States Parties to approve 3 new positions in headquarters to constitute a fund mobilization team which has not existed to date. In addition, the TFV is requesting one position to be based in Kinshasa to reinforce country specific mobilization efforts. Negotiations for the 2025 programme budget are ongoing with the view of receiving ASP approvals by its next session which opens on 2 December 2024.

CONCLUSION

96. The TFV respectfully requests that the Trial Chamber take note of the present update report.



Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims

Dated this 19th Day of December 2024

The Hague, The Netherlands