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TRIAL CHAMBER II

Before: **Judge Chang-ho Chung, Presiding**
Judge Péter Kovács
Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public Redacted Version of

"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", submitted on 6 March 2024, ICC-01/04-01/06-3563-Conf-Exp

Source: **The Trust Fund for Victims**

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

Legal Representatives of Victims V01

Legal Representatives of Victims V02

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REGISTRY

Registrar
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Mr Philipp Ambach

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I. BACKGROUND

1. The Trust Fund for Victims ("TFV") hereby submits its Twenty-fourth progress report following Trial Chamber II's ("Trial Chamber") decision of 21 October 2016 approving the programmatic framework for collective symbolic reparations as submitted by the TFV,[1] Trial Chamber II's decision of 6 April 2017 approving the programmatic framework for service-based collective reparations as submitted by the TFV,[2] and Trial Chamber II's decision of 7 February 2019 approving the TFV's proposal in relation to the process for locating new applicants and determining their eligibility.[3]

2. On 6 December 2023, the TFV filed the Twenty-third progress report on the implementation of collective reparations ("Twenty-third progress report").[4]

II. CLASSIFICATION OF THE PRESENT SUBMISSION

3. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the TFV has classified the report as confidential insofar as it contains detailed information related to operational aspects of the ongoing implementation of reparations. A public redacted version of the report will be filed in due course.

III. REGULATION 58 PROGRESS REPORT

4. The TFV hereby submits its Twenty-fourth progress report, with information on the implementation of the collective reparations award. It provides updated information regarding A) external challenges, B) an update on implementation of collective service-based reparations, C) symbolic reparations, and D) a request to amend the reporting schedule.

5. The reporting period for the purposes of the present progress report covers from 7 December 2023 to 6 March 2024.

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[1] 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.
[2] 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.
[3] 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.
[4] Twenty-third 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, 6 December 2023, ICC-01/04-01/06-3560-Conf.

A. External Challenges

6. During the reporting period, elections took place in the Democratic Republic of the Congo on 20 December 2023. Overall, the security situation remained volatile around the electoral period, and after the election the security situation in the areas of operation of the programme, in particular on the Djugu territory, improved. In parallel, advances of certain rebel groups in specific areas increased violence, displacement and demonstrations. However, this has not posed new or unforeseen challenges to the programme implementation.

B. Update on the Implementation of Collective Service-Based Reparations

1) Overview of collective service-based reparations programme

7. To receive reparations, victims undergo an intake/enrolment phase which encompasses an initial in-depth individualised assessment to determine the needs of the beneficiary in terms of rehabilitation, as well as the preferences of the victim. This phase is essential to ensure the satisfaction of the victims with the measures received. Following the assessment, the beneficiary may start immediately receiving tailored psychological or physical treatment depending on the level of harm or urgency.

8. Enrolment takes place on an ongoing basis based on the availability of updated contact information of the victims and the capacity of the implementing partner to give attention. As soon as the implementing partner receives the updated contact information regarding a batch of beneficiaries, they contact them all without delay to schedule a meeting to provide them information about the intake and a schedule.

9. While receiving medical and psychological treatment, beneficiaries may also receive financial support to meet immediate needs as a way to compensate transportation costs and the caused loss of earnings. Treatment is organised as closely as feasible to victims' locations. More complicated treatment may require transfer to facilities within or outside of Ituri, DRC. In cases requiring treatment limiting the ability of beneficiaries to care for themselves, transfers to suitable care facilities are arranged with adequate financial support, as required.

10. Support for education (schooling and university) starts in parallel to medical and psychological treatment. Other socio-economic measures commence only as soon as medical

practitioners determine that the beneficiary is fit physically and mentally. Once socio-economic activities are concluded, the service is considered completed.

11. Throughout the process, the Trust Fund for Victims and the implementing partner monitor the effectiveness of the rehabilitative activities and adopt, where needed, remedial measures.

2) Progress concerning enrolment and intake of beneficiaries during the reporting period

12. To date, 1,237 out of the 2,471 victims, which is the final number of direct and indirect victims approved by the Trial Chamber in the Twelfth Decision, have been enrolled in the *Lubanga* reparations programme.

13. During the reporting period, 185 new beneficiaries were enrolled in the programme.

14. The implementing partner continues efforts to establish contact with victims who remained unreachable over the past reporting period(s), notably by intensifying the follow-up calls, which are now carried out weekly.

3) Progress concerning mental health and physical care

a) Mental health care

15. During the reporting period, 141 new beneficiaries were enrolled into and began to receive psychological care, bringing the total number of victims cared for since the start of the project to 1,171.

b) Physical health care

16. During the reporting period, 122 beneficiaries were enrolled into physical care and started receiving at least one physical health service, including medical diagnosis, bringing the total number of victims cared for since the start of the project to 1140.

4) Progress concerning socio-economic rehabilitation

17. The component of 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 kit for the training is available to the victim. Once the training ends and beneficiaries are ready to develop a business plan and receive advice, they are guided through the start of their income generating activities and receive a kit and a cash grant for the first

year of implementation. The cash grant is the same 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 is reported in relation to i) vocational training, ii) income-generating activities; and iii) transition concerning contacts with new beneficiaries.

a) Vocational training: results and new methodological approach

18. During the reporting period, 210 beneficiaries benefitted from short and long-term training courses. In total, 925 beneficiaries have benefitted from training between the start of the project and the end of the reporting period.

19. During the reporting period, the TFV and its partners started rolling out a new methodology (GERME) developed by the International Labour Organisation.[5] The purpose of this approach is to reinforce the capacities of the beneficiaries in ensuring the sustainability of the business they develop.

b) Income-generating activities

20. During the reporting period, 133 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.

21. This brings the total number of beneficiaries having benefitted from the cash grant to set up their income generating activities to date to 810 beneficiaries.

5) First contact with new beneficiaries

22. Further to the Trial Chamber's Twelfth decision setting out the role of Legal Representatives at this late stage of the proceedings,[6] the TFV requested the LRVs to provide it with the updated contact information in their possession.

23. The TFV will ensure the first contact with the new beneficiaries prior to the partner contacting them.

[5] For more information, on GERME (SYIB in English), see for instance, this guide (last consulted on 5 March 2024).
[6] Twelfth Decision, para. 19.

C. Symbolic Reparations

24. The contract with the implementing partner that had started in October 2021 was extended beyond October 2023 until April 2024 to enable the implementing partner to continue with the building of the symbolic structure. The second instalment to the implementing partner was disbursed in October 2023; an essential precondition for finalising the symbolic structures.

25. As soon as the contract renewal was confirmed, activities for the construction of the symbolic structures in the four sites of [REDACTED] resumed.

26. The construction of the buildings progressed further in [REDACTED]. On the [REDACTED] site, construction work is underway, including on the elevation walls, the rubble stone, concrete false paving and the lintel. As for the [REDACTED] site, after the foundation has been completed, work is underway to build the walls.

27. The constructions of the [REDACTED] sites, which started in December 2023, continued.

D. Request to amend the reporting schedule

28. The TFV implements the reparations in the present case with the support of its partners based in Ituri. These partners are required to submit quarterly narrative and financial reports to the TFV. For instance, the quarterly report submitted by the partner on 15 January 2024 pertains to the period running from 1 September 2023 till 31 December 2023. In practice, the TFV already reported about most of this period in its Twenty-third update report, submitted on 6 December 2023. As such, an amended reporting schedule enabling the TFV to receive and process the narrative reports of the partners would permit a more complete reporting to the Trial Chamber.

29. The TFV notes that in the *Ntaganda* case, the Trial Chamber directed that the TFV file reports every four months, starting on 27 June 2024.[7] The TFV believes that an identical reporting schedule would be fitting, noting in particular that over the next months, the Lubanga reparations programme and the Ntaganda reparations programme for former child soldiers will be merged. A joint reporting would avoid duplication of reporting, permit for a consolidated reporting to the Trial Chamber and ensure that reporting efforts are timely, substantive and relevant.

[7] Second Decision on the Trust Fund for Victims' Draft Implementation Plan for Reparations, 27 February 2024, ICC-01/04-02/06-2894-Conf, para. 145.

30. The TFV notes that the practice of the TFV has been to date to equate the reporting period with the dates of filing the reports. Given the Twenty-third progress report was filed on 6 December 2023, the reporting period for the purposes of the present progress report covers the period 7 December 2023 to 6 March 2024. The TFV implements the reparations in the present case with the support of implementing partners based in Ituri. The partners are required to submit quarterly narrative and financial reports to the TFV, i.e. four quarterly reports per calendar year. For instance, the quarterly reports for the period running from 1 October 2023 until 31 December 2023, i.e. for the fourth quarter of 2023, have been submitted to the TFV in January 2024. The TFV considers that the quarterly reports allow the TFV to report adequately and efficiently, because the partner and the TFV can focus on monitoring the information to the TFV through the contractually agreed reporting schedule. Accordingly, the reporting in the upcoming reports will focus on the events during the reporting periods, in relation to which the implementing partners have submitted quarterly reports to the TFV.

31. Accordingly, the TFV requests the Trial Chamber to be authorised to submit consolidated update reports for the *Ntaganda* and *Lubanga* cases every four months, starting on 27 June 2024.

IV. FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully requests the Trial Chamber to:

- take note of the present report; and
- grants the TFV's request to submit consolidated update reports for the Ntaganda and Lubanga cases in accordance with paragraph 31 above.

Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims,

Dated this 19th of December 2024

The Hague, The Netherlands