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**International
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Court**

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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. BOSCO NTAGANDA

Public

Trust Fund for Victims' observations on Registry's request for extension of time

Source: Trust Fund for Victims

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I. BACKGROUND

1. On 8 March 2021, the Trial Chamber VI, delivered an order for reparations (the ‘Reparations Order’) against Mr Ntaganda, ordering, through the Trust Fund for Victims (‘TFV’) collective reparations with individualised components to be awarded to direct and indirect victims of the crimes for which Mr Ntaganda was convicted.¹
2. On 14 July 2023, the Trial Chamber II (the ‘Chamber’), in its previous composition, issued an addendum to the Order (the ‘Addendum’), in which it, *inter alia*, provided a detailed outline of the procedure for assessing victims’ eligibility during the implementation phase.²
3. In its First Decision on the Draft Implementation Plan, the Chamber determined that all victims shall be identified and their eligibility determined by 31 December 2025, at the latest. The Chamber also determined that the Registry’s through the Victims Participation and Reparations Section (VPRS) to conduct the administrative eligibility assessment of an approximate number of 10,500 potential beneficiaries, including identification, collection of information, and eligibility determinations.³
4. The subject of this filing is the two-year timeframe imposed by the Chamber, given on 28 October 2025, the Registry submitted its ‘Fifth Registry Periodic Report on Eligibility for Reparations and Priority Treatment Determinations and Request for Extension of Time’ (the ‘Fifth Registry Periodic Report’), in which it: (i) informs the Chamber of the eligibility assessments the VPRS conducted between 28 June and 27 October 2025; and (ii) requests an extension of time ‘for a period considered appropriate by the Chamber’ to complete its administrative eligibility process (the ‘Time Extension Request’).⁴
5. Following the Registry submission, the Trial Chamber directed the VPRS, OPCV and TFV to submit observations addressing specific issues identified by the Trial Chamber by 31 January 2026.
6. In this regard, the Chamber invited the Trust Fund for Victims (the ‘TFV’) to submit observations on the matters set out in paragraph 14 of the decision.⁵ More specifically, the

¹ *Prosecutor v. Bosco Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#).

² *Prosecutor v. Bosco Ntaganda*, Addendum to the Reparations Order of 8 March 2021, 14 July 2023, [ICC-01/04-02/06-2858-Red](#), paras 34-148.

³ *Prosecutor v. Bosco Ntaganda*, First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, 30 August 2023, [ICC-01/04-02/06-2860-Red](#) (the ‘First Decision on the DIP’), para. 188.

⁴ *Prosecutor v. Bosco Ntaganda*, Fifth Registry Periodic Report on Eligibility for Reparations and Priority Treatment Determinations and Request for Extension of Time (the ‘Time Extension Request’), 28 October 2025, a public redacted version was submitted on 21 November 2025, [ICC-01/04-02/06-2928-Red](#), paras 2-4.

⁵ *Prosecutor v. Bosco Ntaganda*, Sixth decision on the VPRS determinations of victims’ eligibility for reparations and priority status and order for further information on the VPRS’ request for extension of time and

Chamber invited the TFV, to provide observations with regard to: (i) realistic monthly numerical projections – to be submitted by the VPRS – on the identification of new beneficiaries for reparations, the assessment of victims eligibility and priority categorisation and communication of assessment results to the applicants and the TFV; and (ii) any innovative procedure to expediate the VPRS processes that could be adopted, and that could require the involvement of the Chamber or the TFV, such as the VPRS’s proposal to change its process of reporting eligibility determinations for reparations or the introduction of separate deadlines for identifying new potential beneficiaries of reparations and for completing the eligibility assessment process.⁶

7. The Chamber further invited the TFV, to provide input as to the VPRS's proposal to modify the manner in which it reports eligibility determinations to the Chamber, as well as to submit any views with respect to the VPRS indication that its new proposed simplified reporting system would not affect the TFV’s implementation needs.⁷

II. OBSERVATIONS

8. The TFV appreciates the opportunity of the Chamber to provide observations on the present issue, and does so in the context of its role as the body that implements reparations as part of the Court’s reparative justice framework, as the fund mobilising entity, and in light of its experience in conducting identification and eligibility assessments for reparations purposes in previous cases, including, with respect to individual reparations awards in the case *Al Mahdi*, and in respect of collective reparations awards in the case *Lubanga* and in the present case (*Ntaganda*) prior to July 2023.

9. In addition, this is informed by institutional knowledge of the TFV in the context of the situations in Uganda and the Democratic Republic of the Congo (“DRC”) where it has implemented programmes pursuant to regulation 50(a) Regulations of the Trust Fund for Victims (“TFV Regulations”) since 2008, in close proximity to the affected communities.

10. Over the past years, the collaboration between the TFV and the VPRS has significantly deepened and become increasingly structured. This cooperation has included the establishment of regular monthly coordination meetings, close collaboration in the development of the Draft Implementation Plan in the *Ongwen* case, and sustained engagement through dedicated sessions during staff retreats. In addition, the TFV and VPRS have maintained a continuous exchange

proposal on the reporting of eligibility determinations (the ‘Decision on the Time Extension Request’), 19 December 2025, [ICC-01/04-02/06-2929](#), para.15.

⁶ *Prosecutor v. Bosco Ntaganda*, Decision on the Time Extension Request, [ICC-01/04-02/06-2929](#), para.14.

⁷ *Prosecutor v. Bosco Ntaganda*, Decision on the Time Extension Request, [ICC-01/04-02/06-2929](#), para.17.

of information at both operational and strategic levels, including close coordination in the transfer of information in both the *Ntaganda* and *Ongwen* cases. This relationship responds to the obvious interconnection between VPRS's and the TFV's mandates, to the necessity of synergies and optimisation in the use of resources.

11. These observations respond to the two specific issues on which the Chamber has requested submissions by drawing on the lessons learned from the TFV's experience in determining eligibility of victims, and providing observations on potential innovations in the eligibility process.

12. The TFV has been requested to file observations on the same date in the parallel case *Prosecutor v. Dominic Ongwen* (the "*Ongwen* case") on the same issue. Accordingly, save for minor variations, a single set of observations has been drafted and filed in both case records.

a. ISSUE 1: REALISTIC MONTHLY NUMERICAL PROJECTIONS

13. As the body determined by the Chamber to conduct the identification and eligibility process in the cases at issue, the TFV understands the VPRS is best placed to provide the monthly numerical projection as instructed by the Chamber. While the TFV cannot directly contribute with monthly projections, the present section instead provides the TFV's insights into the eligibility process in the concrete situations of Uganda and the DRC.

14. The TFV first underscores that the eligibility process for victims of collective reparation awards is not regulated under the Court's legal framework⁸ and that due to the large potentially eligible beneficiary population, the security and operational context in which the work must be conducted, in particular in the DRC, and the volume of work required, the eligibility exercises in the *Ongwen* and *Ntaganda* cases are unprecedented in the Court's practice.

15. In addition, the cases at issue concern different categories of victims. Different presumptions of fact and harm apply to these categories, and distinct evidentiary thresholds must be met for each:

- a. In *Ongwen*, these include victims of the attacks against camps for internally displaced persons as well as victims of thematic crimes, namely former child soldiers and victims of sexual and gender-based violence;
- b. In *Ntaganda*, they include former child soldiers and victims of the attacks.

⁸ Regulations 59 *et seq.* of the TFV Regulations apply to individual reparation awards under rule 98(2) Rules of Procedure and Evidence.

i. LESSONS FROM PREVIOUS IDENTIFICATION PROCESSES

16. Until 2023, eligibility determinations in cases before the Court have been carried out either directly by the Chamber, as in the *Katanga* case,⁹ or by the TFV, either in the context of individual reparation awards pursuant to regulations 59 *et seq.* of the TFV Regulations, as in the *Al Mahdi* case,¹⁰ or for the purposes of collective reparations, as in the *Lubanga* case¹¹.

17. The time it took to complete the eligibility, at least three years, and challenges in the processes of identification and eligibility in those cases, in which respectively 297, 1,691, and 2,471 victims were found eligible, may be taken into account when assessing the Extension of Time Request.

18. The workload before the VPRS consists of a) a location and identification stage consisting of outreach, identification, and collection of information, b) an eligibility assessment, consisting of an administrative evaluation of eligibility using the substantive criteria and eligibility mechanism established by the Chamber,¹² and c) the notification stage, during which the VPRS notifies the potential beneficiary of their eligibility status and that the TFV will be in touch with eligible beneficiaries within 30 days with information on the steps to follow and expected timeline for the implementation of reparations.¹³

19. In the TFV's view, the two main challenges of the identification stage are 1) to identify where the victims presently reside and to reach out to them in an effective manner, and 2) overcoming the lack of documentary evidence for key facts.

20. The identification of new beneficiaries in *Lubanga* and *Al Mahdi* proved to be a time and resource intensive endeavour, involving different models for contacting victims. In *Lubanga*, between 2018 and 2023, the TFV and the common legal representatives conducted in-person interviews with about 2,000 individuals using a methodology developed by the TFV in cooperation with the common legal representatives.¹⁴ These interviews aimed to assess whether the persons concerned were former UPC child soldiers and to complete the application forms accordingly.

⁹ *The Prosecutor v. Germain Katanga*, Order for Reparations, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#), para. 31 (2).

¹⁰ *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Reparations Order, 17 August 2017, [ICC-01/12-01/15-236](#), para. 144.

¹¹ Corrected Version of the "Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable", 21 December 2017, [ICC-01/04-01/06-3379](#), para. 293; note that the TFV also conducted the eligibility process in the *Ntaganda* case until 2023 for the purposes of finding eligible priority victims in urgent need.

¹² *The Prosecutor v. Bosco Ntaganda*, Addendum to the reparations order, 14 July 2023, ICC-01/04-02/06-2858-Red, paras 37-143, 287-319, 336-357; First Decision on the DIP, paras 161, 185.

¹³ *Ongwen* Reparations Order, para. 810.

¹⁴ *Prosecutor v. Bosco Ntaganda*, Trust Fund for Victims' second submission of Draft Implementation Plan, ICC-01/04-02/06-2750-Conf-Anx1, para. 328.

21. In *Al Mahdi*, between 2020 and 2023, the TFV worked on the identification of more than 1,500 potential beneficiaries in cooperation with the legal representative for victims, through missions, personal contacts, and community gatherings. During these activities, victims were assisted by the TFV and LRV representatives in completing their application forms. In both cases, the primary objective of the process was to collect information in a structured manner.

22. The TFV also had to develop a process enabling it to determine who qualified as a descendant of the Saints or who was fully economically dependent on the Protected Buildings. As no documentary evidence was available to substantiate this information, the TFV, upon extensive consultations with the victims, established a system of recognised authorities competent to attest to the applicants' status. As a result, *inter alia*, family trees were developed and discussed among the victims in order to identify descendants. Application forms were considered complete and treated as duly submitted only once accompanied by an attestation from such an authority.

23. Both identification processes, resulted in the submission of completed application forms supported by relevant material. In both cases, the legal representatives of victims finalised the forms and transmitted them to the VPRS, who included the information into the VPRS' database (VAMS) and thereupon transmitted the information to the TFV.¹⁵

24. In the *Al Mahdi* case, in retrospect, the identification process consisted of three sub-phases – the set up phase during which only few victims could apply, the operational phase where most of the victims applied speedily in line with the established process and within the timeline set by the Trial Chamber, and the residual phase, where remote victims were enabled to apply and issues with previously submitted application forms could be resolved. The latter phase took place only because the Trial Chamber postponed the deadline several times.¹⁶

25. In the *Lubanga* case, following an initial period during which victims were able to apply but relatively few applications were submitted, the identification and verification process commenced in 2017 and was transferred to the TFV and the legal representatives in 2018.¹⁷

¹⁵ *Prosecutor v. Bosco Ntaganda*, Trust Fund for Victims' second submission of Draft Implementation Plan, ICC-01/04-02/06-2750-Conf-Anx1, para. 330.

¹⁶ See, *inter alia*, Decision on Joint Request for Extension of Reparations Application Deadline, 24 February 2020, [ICC-01/12-01/15-348](#); Decision on the LRV Request for Extension of Time to Submit Individual Reparations Applications, 29 April 2020, [ICC-01/12-01/15-359](#); Decision on the LRV's Urgent Request for an extension of the time limit pursuant to 'Decision on the TFV's Twenty-third update report on the updated implementation plan (ICC-01/12-01/15-439-Conf)', 14 April 2022, [ICC-01/12-01/15-443](#).

¹⁷ "Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable", 21 December 2017 (public redacted version filed on 5 July 2018), ICC-01/04-01/06-3379-Red-CorrENG, ('Decision on the Size of Reparations Award'), para. 293, referring to Decision on the Motion of the Office of Public Counsel for

This resulted in an intensive operational phase, which was interrupted only by the COVID-19 pandemic. When the deadline for the submission of application forms expired by 1 October 2021, a significant number of victims had not yet submitted their forms.¹⁸ Those forms have been since subsequently submitted to VPRS in the context of the *Ntaganda* case, given the overlap of the victims in both cases, i.e. the victims in *Lubanga* are also considered victims in *Ntaganda* belonging to the group of former child soldiers.¹⁹

26. Drawing on these identification processes, the TFV underlines the importance of mobilising victim communities and actively involving them in the identification process to ensure that victims come forward and effectively participate. It may also be equally important to develop, in light of the specific circumstances, the most appropriate mechanisms to establish that the persons concerned were present at the locations of the attacks and were therefore affected by them.

27. Further, a residual phase, allowing victims who were not previously reached to come forward, may be required in order to give full effect to reparation principles, in particular the principle of *do no harm*.²⁰ This principle is of particular relevance at the stage of victim identification and eligibility screening, to ensure that eligibility-related activities are carried out in a manner that avoids secondary victimisation, stigmatisation, or security risks for victims and affected communities, and that remains consistent with the reparations principle of do no harm to conduct reparations proceedings in a safe and victim-centred manner.

28. Based on the TFV's experience, it is the identification phase that is the most time-consuming and that primarily determines the overall timeframe required to reach, identify, and effectively include in the eligibility process victims of the crimes committed by the convicted person. Accordingly, once the identification process is fully underway, after testing and consolidation, monthly projections regarding the number of victims identified may, in the TFV's view, assist in estimating when the operational phase is likely to conclude. However, the effective closure of the identification phase may occur only at a later stage, as victims may continue to come forward who, for valid reasons, did not have an earlier opportunity to apply.

Victims for Reconsideration of the Decision of 6 April 2017, 13 July 2017, ICC-01/04-01/06-3338-tENG, para. 11.

¹⁸ *Prosecutor v. Bosco Ntaganda*, Seventh Decision on the TFV's administrative decisions on applications for reparations and additional matters, 23 November 2021, [ICC-01/04-01/06-3528](#), paras.12 and 13.

¹⁹ *Prosecutor v. Bosco Ntaganda*, Addendum to the Reparations Order of 8 March 2021, 14 July 2023, [ICC-01/04-02/06-2858-Red](#), para.37.

²⁰ *Ntaganda* Reparations Order, para. 50. The 'do no harm' principle complements the humanitarian principles of humanity, impartiality, neutrality, and independence. This principle should have particular application (i) when conducting victim identification and eligibility screening.

ii. LESSONS FROM PREVIOUS ELIGIBILITY ASSESSMENT (VERIFICATION) PROCESSES

29. In the cases *Al Mahdi* and *Lubanga*, the verification of the identity of the victims was undertaken by the TFV, following the identification of potential beneficiaries and the collection of relevant information. As recalled above, verification is the process of assessing and deciding whether a victim belongs to the group of beneficiaries of a given reparations programme.

30. In *Lubanga*, verification involved sequentially three entities. First, the common legal representatives transmitted the collected applications to VPRS, which entered them into VAMS. Second, VPRS sent the applications to the TFV, together with a preliminary assessment regarding the completeness of the applications and the age of the alleged child soldiers. Third, following a decision by the TFV Board of Directors, and notification to the Chamber and VPRS, the applications were transmitted to the Chamber, which conducted a final review of all eligibility decisions.

31. In *Al Mahdi*, following identification by the TFV and LRV, victim applications and accompanying material (“consolidated applications”) were transmitted by the LRV to the VPRS, which scanned them and assigned VAMS registration numbers. VPRS then transmitted the applications to the TFV along with a pre-assessment on eligibility. Based on the TFV’s recommendations, a final determination on victims’ eligibility was done by the TFV Board of Directors. Decisions were thereafter notified to the LRV and VPRS in a redacted form. Only negative TFV decisions were subject to judicial review by the Trial Chamber, which accessed the corresponding application forms through VPRS. The TFV informed the Trial Chamber of positive decisions but did not transmit the applications themselves.²¹

32. From September 2020 onwards, the verification process applied in *Al Mahdi* was further streamlined following the TFV’s request.²² Insofar as the TFV had been already involved in identification and applications collection, no pre-assessment on eligibility by VPRS was considered necessary. This simplified verification process was supported by what the Chamber considered to be a robust identification process conducted jointly by the LRV and TFV staff.

²¹ See, e.g., Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March, 2019, ICC-01/12-01/15-324-Conf, paras 24 *et seq.*; Updated Implementation Plan with two confidential annexes and one confidential *ex parte*, available to the Registry, 2 November 2018, ICC-01/12-01/15-291-Conf-Exp, paras 32 *et seq.*; Judgment on the appeal of the victims against the “Reparations Order”, 8 March 2018, ICC-01/12-01/15-259-Red2.

²² Trust Fund’s submission on the amendment of the screening process, 2 September 2020, ICC-01/12-01/15-372, para. 14; Decision on the TFV Request for Amendment of the Screening Process, 23 September 2020, ICC-01/12-01/15-374, disposition.

33. Finally, in December 2023,²³ a limited and expedited administrative process of consolidation and verification was approved by Trial Chamber VIII, consisting of applications and supporting materials consolidation and eligibility verification and determination by the TFV. Negative decisions remained subject to judicial review.

34. Drawing on these processes, the TFV considers that in situations of mass victimisation, a deeply thorough verification process with several instances of control will inevitably require time. The appropriate level of control must therefore be assessed in light of the circumstances of each case and in relation to the categories of applications concerned. Applicable presumptions of fact and harm are essential to streamline these processes and, together with other relevant factors, may provide a basis for enabling a differentiated or triaged approach to the level of control exercised by the verification body.

iii. CURRENT REALITIES FOR THE IDENTIFICATION AND ELIGIBILITY PROCESSES IN *NTAGANDA* AND *ONGWEN*

35. The TFV considers that, in the projections shared with the Trial Chamber, the VPRS has already taken into account an assessment of the concrete circumstances of each case as the basis for its projections. Nevertheless, the TFV takes this opportunity to highlight some specificities:

36. *Access:* The TFV highlights for *Ntaganda* victims of the attack, the difficulty to access the locations. This is due to, *inter alia*, the road conditions, the weather, and remoteness, further compounded by the ongoing conflict, making it inaccessible to Court staff. In fact, these areas have been inaccessible to Court staff and any other international personnel for the past years.

37. Accordingly, the identification efforts to date have focused on urban areas, such as Bunia and Mahagi, and it remains difficult at this stage to determine the likely trajectory of identification process as a whole.

38. By contrast, victims of the attacks against the IDP camps in the *Ongwen* case are generally ready to be included in the process, as accessibility and participation do not present significant challenges. Thematic crime victims in the *Ongwen* case, however, are not necessarily located at the main case locations and require additional time and efforts to be effectively reached out to and included in the identification process.

39. Whether belonging to the IDP camps or thematic victims category, a differentiated approach may be required to address issues of accessibility, as the most vulnerable victims,

²³ Decision on the TFV's twenty-ninth update report on the updated implementation plan including report on the finalisation of individual reparations, 11 December 2023, ICC-01/12-01/15-470-Conf, disposition.

such as elderly victims, victims of sexual and gender-based violence, or victims in the most economic or social precarity, will likely require additional efforts and strategies to generate trust, and eventually be reached.

40. *Numerical projections:* Regarding the role of numerical projections, the TFV considers that the former child soldiers in the cases *Lubanga* and *Ntaganda* provide an apt example. The TFV recalls that, in relation to former child soldiers, the *Ntaganda* Trial Chamber concluded, in the Addendum to the Reparations Order, that the approximate number of direct and indirect victims of the crime of recruitment and use in armed hostilities of child soldiers would amount to around 3,000 individuals in total.²⁴

41. The TFV further recalls the Chamber's finding in the *Ntaganda* Addendum that the *Lubanga* and *Ntaganda* victim populations overlap. In the *Lubanga* case, by mid-2023, 2,471 victims were found eligible.²⁵ Additionally, the TFV notes that in the *Ntaganda* Addendum, the Chamber found 34 former child soldiers eligible on the basis of the sample analysis,²⁶ followed by 810 victims recognised in subsequent Registry reports so far.²⁷ This brings the total number of former child soldiers found eligible to date to 3,315. Accordingly, with respect to former child soldiers, the TFV observes that the number of victims found eligible exceeds by approximately 10% the Chamber's original estimate presented in the Addendum to the Reparations Order.

42. With respect to victims of the attacks, the situation is distinct. The Chamber estimated that victims of the attacks would amount to approximately 7,500 individuals in total. To date, and after 24 months of intensive efforts, fewer than 2,000 victims of the attacks have been found eligible.²⁸ Thus, the number of victims found eligible to date is significantly lower than the estimate. Unlike the former child soldier population, no overlap with another case exists, and therefore no prior systematic efforts to identify and assess eligible victims for reparations had been conducted before the Reparations Order in the *Ntaganda* case.

²⁴ Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659 ('Addendum'), 14 July 2023, ICC-01/04-02/06-2858-Conf (with Public Annex I, Confidential ex parte and Confidential Annex II, and Public Annex III), public redacted version of the same date, ICC-01/04-02/06-2858-Red.

²⁵ See Twenty-first 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 June 2023, ICC-01/04-01/06-3557-Conf-Exp; 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.

²⁶ Addendum, ICC-01/04-02/06-2858-Red, paras 144-145.

²⁷ *The Prosecutor v. Bosco Ntaganda*, Sixth decision on the VPRS determinations of victims' eligibility for reparations and priority status and order for further information on the VPRS' request for extension of time and proposal on the reporting of eligibility determinations (the 'Decision on the Time Extension Request'), 19 December 2025, [ICC-01/04-02/06-2929](#), para. 15.

²⁸ *Ibid.*

43. In conclusion, the TFV submits that any deadline must be assessed against the total number of victims projected by the VPRS at any given time, taking into account the concrete circumstances of each case and the likely variation in the overall number of victims arising from those circumstances.

iv. EFFECTS OF THE TIMELINE FOR THE ELIGIBILITY PROCESS ON THE LEGITIMACY OF THE REPARATIONS PROGRAMME

44. The TFV considers that enabling all victims to access the reparation programme is essential to the legitimacy of that programme and the reparations ordered by the Court. It is also in line with reparation principles such as the principles of *do no harm*, and dignity, non-discrimination and non-stigmatisation, outlining the need for equal treatment throughout the proceedings.²⁹

45. In the TFV's experience, the legitimacy of the reparations programme in the eyes of the victims and affected communities relies heavily on the factor of access for the eligible population of victims.

46. In the evaluation report commissioned by the TFV of the *Katanga* reparations programme ("*Katanga* Evaluation Report"), the evaluators found:

The beneficiaries and local population stressed the difficulty of ascertaining the actual victims as defined in the criteria set by the Chamber in the *Katanga* case. Every interview and focus group led to discussions where people repeated their sense that while the identification was "generally good", there were also many (perceived) shortcomings. The general sense of the victims we met is that there were still people who should have been recognised as victims who were not recognised and, conversely, that a minority of the beneficiaries were not legitimate (we do not have any element to assess such claims).³⁰

47. While the TFV has no elements to assess such claims, these comments highlight that narrative and experiences on eligibility may hinder the legitimacy of the reparation process.

48. The community-based and collective nature of the reparations increase the importance of including the greatest population of the eligible beneficiaries. The reparations are determined to be for the community of eligible victims, and therefore it is important that as many of this community as possible have access to the programme.

49. In sum, to give effect to a victim-centred and -inclusive approach in line with the principles on reparations, the TFV posits that victims should be able to participate throughout the reparations process, and receive adequate support in order to make their participation

²⁹ *Lubanga* Reparations Order, para. 188.

³⁰ *Katanga* Evaluation Report, p. 27.

substantive and effective.³¹ This includes allowing sufficient time to identify and process applications for eligibility is a precursor of access to reparations for eligible victims of the case. In contrast, exclusion of a large number of potentially eligible victims would likely impact the credibility of Court-ordered reparations programmes, with victims feeling left behind and unable to access reparations they are entitled to.

v. EFFECTS OF THE TIMELINE AND QUALITY OF THE ELIGIBILITY ON THE IMPLEMENTATION OF REPARATIONS

50. The quality and effectiveness of the eligibility process, which falls under the responsibility of VPRS, have a direct impact on the quality and effectiveness of the implementation process, which falls under the responsibility of the TFV.

51. The TFV recalls that, in the *Ongwen* and *Ntaganda* case, it is implementing programmes that require financing through the TFV's voluntary contributions, given the convicted persons were found indigent for the purposes of reparations.

52. For financial and operational reasons, the TFV would ideally know, at the time it initiates a programme and allocates funding, how many victims will be included. However, even where certain measures may be taken to improve the availability of information by the time of conviction, the TFV considers that, given the mass nature of Rome Statute crimes, such situations remain the exception – such as in the *Katanga* case – rather than the rule.

53. In the absence of complete knowledge of the affected population, reliable forecasts regarding the number of victims likely to be found eligible and who can be effectively contacted and included in programme implementation are essential to maximise the efficient use of resources and to maintain a steady pace of implementation. Annual projections form the basis on which the TFV engages implementing partners and commits funds for the benefit of these victims. In turn, only once funds have been committed can beneficiaries be enrolled in a reparations programme and receive services or actively participate in reparative measures.

54. At the same time however, such data must be reliable and up to date. In this regard, experience from the former child soldiers programme implemented in the DRC in relation to the *Lubanga* and *Ntaganda* cases has demonstrated that challenges also arise when too much time elapses between determination of eligibility and inclusion in the programme. This is because such time results in the TFV holding outdated contact information.

³¹ *Ntaganda* Reparations Order, para. 46.

55. Further, an eligibility process conducted without sufficient thoroughness, particularly where time limits risk compromising quality, would increase the risk that individuals who are not eligible are nevertheless included in the programme.

56. For the Chamber's consideration when determining deadlines for eligibility in the Ongwen and Ntaganda cases, the TFV respectfully recalls that the allocation of responsibility for identification and eligibility to VPRS, and for implementation to the TFV, enables both entities to operate in parallel, thereby maximising procedural efficiency.

57. In this context, the TFV highlights that, as presented to the Committee on Budget and Finance at its 48th session, and to States Parties in the framework of the Hague Working Group facilitation on the Trust Fund for Victims, which reported to the Assembly at its 24th session, it has developed an index to support long-term implementation planning: the Optimal Level of Programme Implementation (OLPI). The OLPI represents the level of funding required over a defined period to ensure sustained and progressive programme implementation, enabling the TFV to meet its programmatic objectives. The OLPI is informed by estimates based on existing information and experience regarding (i) the number of eligible victims, (ii) the number of known or projected victims who are reachable and ready to be integrated into the programme within a given period, and (iii) implementation capacity in the relevant context. This index is updated every six months to reflect new information relating to victim availability and accessibility, as well as implementing partner capacity.

58. The Ongwen Programme OLPI of September 2025, as detailed in Tables 1 and 2 below, anticipates that, under optimal conditions, implementation of the Ongwen and Ntaganda programmes would be completed by 2032. In this optimal scenario, an eligibility process running in parallel over several years would not impede the TFV's programme implementation. However, it must be recalled that this optimal scenario does not reflect actual funding availability, and the TFV is currently unable to determine the likelihood of achieving this projected schedule.

Table 1. Optimal annual fund mobilisation needs for *Ongwen* Reparations Programme (extract from OLPI September 2025)

Fund mobilisation required by the end of	Million EUROS
2025	1.0
2026	5.0
2027	10.0

2028	10.0
2029	10.0
2030	10.0
2031	5.5
2032	0.0

Table 2. Optimal annual fund mobilisation needs for the *Lubanga* and *Ntaganda* Reparations Programme (extract from OLPI September 2025)

Fund mobilisation required by the end of	Million USD
2025	1.5
2026	4.1
2027	4.0
2028	4.0
2029	4.0
2030	4.0
2031	4.0
2032	4.0

VI. CONCLUSIONS IN RELATION TO ISSUE 1:

59. Therefore, in relation to the first Issue, the TFV concludes as follows.

60. The process of identification is a key aspect of the eligibility process and if carried out in an inclusive way ensures a speedy verification process which mitigates complications at a later stage. In the view of the TFV, verification enables prompt and qualitatively-high eligibility processes that live up to the criteria established in the relevant reparations orders.

61. Aiming at the inclusion of all eligible victims through an accessible eligibility process, is key to the legitimacy of the reparation programme and its success in the relevant communities.

62. As set out by the VPRS, eligibility determinations for *Ongwen* victims and the *Ntaganda* victims of the attacks are still at an early stage, when assessed against the estimated number of victims who remain to be identified and found eligible. The TFV therefore considers that currently, any monthly projections may not yet serve the goal of conclusively determining when the eligibility process for the estimated number of victims will conclude.

63. On the other hand, for the efficient planning and implementation of reparations programmes, the TFV requires projections of the number of eligible victims who will be included. This encompasses both an estimated range of the total number of victims likely to be found eligible upon completion of the eligibility process, as well as bi-annual projections on the basis of which the TFV can engage implementing partners and commit funds. Such projections enable the TFV to communicate transparently with victims regarding the expected availability of financial resources and services for a given year, thereby enhancing the credibility and legitimacy of the reparations programmes.

64. Therefore, the TFV welcomes a process of establishing realistic projections and suggests that these projections be established on a periodic basis and shared with the Trial Chamber and the TFV.

65. In addition, the TFV recalls that the overall success of the Court's reparations programme relies on the availability of resources, time and support for VPRS to carry out their essential aspect of the implementation of the collective reparations awards of the Court.

b. ISSUE 2: INNOVATIONS AND EFFICIENCIES

66. The second issue, on which the Trial Chamber is seeking observations turns around innovations and efficiencies.

67. As part of their ongoing collaboration, and in light of the need to optimise the use of resources, the TFV and VPRS have continuously engaged in exploring efficiencies and innovations. This work has focused on two principal streams.

68. The first stream concerns technological innovations. In this regard, at the end of 2025, the TFV finalised the procurement of a new information and data-management system (IDMS). This system is designed to enhance data processing capacities, including the collection, systematisation, secure sharing, protection, and real-time management of beneficiary data across multiple actors and stages of the reparations process. The IDMS enables the individualised management of beneficiary data originating from diverse sources throughout the reparations lifecycle. The TFV has engaged with VPRS to explore how this system could

support VPRS in streamlining and expediting certain aspects of its work, including information exchange.

69. In addition, the technological set-up phase of the TFV's IDMS allows for the offline mapping of processes. This exercise, which the TFV and VPRS intend to undertake jointly, is expected to support the identification of further innovations, both in relation to data-management practices and to the strategies underpinning the collection, processing, and transfer of victims' data, thereby reducing procedural burdens associated with information exchange.

70. The second stream relates to the exploration of the use of artificial intelligence, as appropriate, across the reparations lifecycle to enable efficiencies in data processing. In September 2025, the TFV initiated a study to assess and map the potential use of emerging technologies in transitional justice contexts. The TFV and VPRS continue to engage on the possible application of such technologies with a view to further streamlining relevant processes.

71. In addition, as set out by the VPRS in its parallel filing, the TFV stands ready to, together with the Registry and all other stakeholders, conduct a joint analysis of the current process with a view to developing any additional improvement.

72. Assessing the need for and putting in place any such additional improvements would require intensive exchange between the TFV, VPRS, the victims, and relevant stakeholders, compliant with the Court's legal framework, respectful of victims' rights, and responsive to both existing reservations and operational bottlenecks.

73. In sum, the TFV stands ready to continue to engage with VPRS and other stakeholders in seeking further efficiencies and innovations, which fit best the circumstances of each of the two cases and of the relevant victim populations.

CONCLUSION

74. The TFV respectfully requests the Trial Chamber to take note of the present observations.



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

Dated this 2nd February 2026

At The Hague, The Netherlands