

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **18 February 2022**

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. BOSCO NTAGANDA

Public

**Trust Fund for Victims' Request for Extension of Time to Submit Additional Information
on Draft Implementation Plan**

Source: The Trust Fund for Victims

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

Legal Representative of Victims

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Ms Caroline Walter

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Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Peter Lewis

Other

**Victims Participation and Reparations
Section**

I. BACKGROUND

1. On 8 March 2021, Trial Chamber VI (the ‘Trial Chamber’) issued an order for reparations against Mr Ntaganda (the ‘Reparations Order’).¹
2. On 17 December 2021, the Trust Fund for Victims (“Trust Fund”) submitted its draft implementation plan (“DIP”).²
3. On the same date, ruling on a Defence’s request for extension of time,³ the Trial Chamber issued an order setting the deadline for the parties to submit observations on the DIP by 24 January 2022.⁴
4. On 18 January 2022, the common legal representative for former child soldiers (“CLR1”) submitted a request for extension of time to submit her observations, together with a request for an order for supplementary information to be provided by the Trust Fund on nine identified issues (“Request”).⁵
5. On 21 January 2021, having received the observations by the common legal representative of victims of the attacks (“CLR2”, collectively with the CLR1, “CLR2s”),⁶ the Trust Fund,⁷ and the Defence,⁸ the Trial Chamber issued a decision granting the Request (“Decision”), specifically

¹ [Reparations Order](#), ICC-01/04-02/06-2659, paras 249-253 and 257, and disposition.

² Trust Fund for Victims submission of draft implementation plan, [ICC-01/04-02/06-2732](#), with one confidential annex. A public redacted version was filed on 25 January 2022: [ICC-01/04-02/06-2732-AnxA-Red](#).

³ Defence request for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan (‘Request’), 15 December 2021, ICC-01/04-02/06-2728.

⁴ Order for the submission of observations on the draft implementation plan, [ICC-01/04-02/06-2731](#).

⁵ URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan, ICC-01/04-02/06-2735-Conf-Exp. A public redacted version was filed on the same day: [ICC-01/04-02/06-2735-Red](#).

⁶ Response of the Common Legal Representative of the Victims of the Attacks to the “Public Redacted version of the ‘URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan’ (ICC-01/04-02/06-2735-Conf-Exp)” (‘CLR2 Response’), 20 January 2022, ICC-01/04-02/06-2737-Conf.

⁷ Trust Fund for Victims’ Observations in relation to CLR1’s Request for Extension of Time to Respond to the Draft Implementation Plan (‘TFV Observations’), 20 January 2022, [ICC-01/04-02/06-2738](#).

⁸ Response on behalf of Mr Ntaganda to the CLR1’s request for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan, 20 January 2022, [ICC-01/04-02/06-2736](#).

ordering the Trust Fund to submit additional information, to the extent possible, on the issues identified by the CLR2s and by the Defence by 24 February 2022.⁹

II. SUBMISSIONS

6. The CLR1 requests that the Trust Fund provides further clarifications on nine discreet issues.¹⁰ In parallel, the CLR2 requests that 17 issues be further addressed by the Trust Fund to be in a position to make meaningful observations.¹¹ Lastly, the Defence identified 22 issues that require clarification in its view, in addition to the matters identified by the CLR2s.¹²

7. The Trust Fund has started assessing the nature of the information sought by the parties and is currently identifying the information that can be provided at this stage, pending the selection of an implementing partner for the Victims of the Attacks. It is the understanding of the Trust Fund that the parties require details of the current *Lubanga* programme as well as further clarifications. The Trust Fund will accordingly issue a second version of its Draft Implementation Plan addressing, to the extent possible, the issues and questions raised.

8. As noted by the Trial Chamber in its Decision, the Trust Fund is in a situation where it already implements reparations in Ituri in other cases, in particular in the *Lubanga* case.¹³ In this context, nearing the end of the first contractual year and preparing for a renewal into the second year, the Trust Fund is currently in the midst of a stock-taking exercise and is proceeding, together with the implementing partner, to a number of adjustments to the programme, within the existing and approved framework. These consultations are expected to conclude within the

⁹ Decision on the 'Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan' and additional request by the TFV, [ICC-01/04-02/06-2739](#). The Trial Chamber also ordered that the Defence submits any additional matters on which they seek to receive additional information by 24 January (Additional matters identified by the Defence in the Draft Implementation Plan that should be addressed by the Trust Fund for Victims, ICC-01/04-02/06-2740-Conf).

¹⁰ Request, [ICC-01/04-02/06-2735-Red](#), para. 22.

¹¹ CLR2 Response, ICC-01/04-02/06-2737-Conf, para. 28.

¹² Additional matters identified by the Defence in the Draft Implementation Plan that should be addressed by the Trust Fund for Victims, ICC-01/04-02/06-2740-Conf, paras 5-8.

¹³ Decision, [ICC-01/04-02/06-2739](#), para. 10.

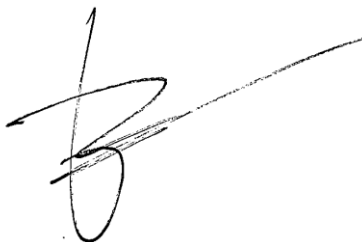
next weeks, allowing the Trust Fund to share, as requested by the CLRs, the relevant datapoints drawn from the *Lubanga* programme to the parties in the present case.

9. In light of the above and taking into account that the Draft Implementation Plan requires approval by the Trust Fund's Board of Directors, a second version can be issued earliest by 11 April 2022.

10. The Trust Fund submits that good cause has been shown pursuant to Regulation 35 of the Regulations of the Court and seek that the Trial Chamber approves the extension of time sought to submit supplementary information by 11 April 2022. Absent the extension of time, the Trust Fund would not be in a position to provide the parties with accurate and up to date supplementary information.

FOR THE FOREGOING REASONS,

11. The Trust Fund requests that the Trial Chamber approves the extension of time sought.



Pieter W.I. de Baan
Executive Director, Trust Fund for Victims

Dated this 18th Day of February 2022
At The Hague, The Netherlands