

**Cour
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**International
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Court**

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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 Redacted Version of

**Trust Fund for Victims' Tenth Update Report on the Implementation of the Initial Draft
Implementation Plan, dated 30 March 2023, ICC-01/04-02/06-2839-Conf**

Source: The Trust Fund for Victims

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

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

I. BACKGROUND

1. On 8 July 2019, Trial Chamber VI (the “Trial Chamber”) issued its Judgment, convicting Mr Bosco Ntaganda of five counts of crimes against humanity and thirteen counts of war crimes.¹
2. On 15 December 2020, following various submissions made in the context of the reparations proceedings, the Trial Chamber issued a decision ruling on a number of issues raised by the Registry in relation to the scope of the conviction.²
3. On 8 March 2021, the Trial Chamber issued an order for reparations against Mr Ntaganda (“Reparations Order”).³
4. On 8 June 2021, the Trust Fund for Victims (the “Trust Fund” or “TFV”) submitted its initial draft implementation plan⁴ (the “Initial Draft Implementation Plan” or “IDIP”)⁵ and, on 23 July 2021, the Trial Chamber issued a decision approving it with amendments, and directed the Trust Fund to report on the IDIP implementation every two months.⁶
5. On 23 September 2021, 23 November 2021, 24 January 2022, 24 March 2022, 24 May 2022, 25 July 2022, 26 September 2022, 28 November 2022, and 30 January 2023, the Trust

¹ Judgment, [ICC-01/04-02/06-2359](#).

² Decision on issues raised in the Registry’s First Report on Reparations, [ICC-01/04-02/06-2630](#).

³ Reparations Order, [ICC-01/04-02/06-2659](#), paras 249-253 and 257, and disposition.

⁴ The Trial Chamber and the participants used the full title ‘initial draft implementation plan’, hence the acronym ‘IDIP’; therefore, the Trust Fund will adopt this abbreviation in these observations.

⁵ Public redacted version of “Report on Trust Fund’s Preparation for Draft Implementation Plan”, submitted on 8 June 2021, [ICC-01/04-02/06-2676-Red](#), with Annex A, Public redacted version of “Initial Draft Implementation Plan with focus on Priority Victims”, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#).

⁶ Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#).

Fund submitted its first⁷, second⁸, third,⁹ fourth¹⁰, fifth¹¹, sixth¹², seventh¹³, eighth¹⁴, and ninth¹⁵ update report on the IDIP, respectively.

6. On 29 October 2021, 17 December 2021, 10 February 2022, 12 May 2022, 6 July 2022, 16 November 2022, 13 January 2023, the Trial Chamber issued its Decision on the TFV's First¹⁶,

⁷ Trust Fund first progress report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Director's decision pursuant to regulation 56 of the Regulations of the Trust Fund, [ICC-01/04-02/06-2710-Conf](#). A public redacted version was filed on 7 October 2021: [ICC-01/04-02/06-2710-Red](#) ("First Update Report").

⁸ Trust Fund's Second Update report on the Implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2723-Conf](#). A public redacted version was filed on 28 December 2021: [ICC-01/04-02/06-2723-Red](#) ("Second Update Report").

⁹ Trust Fund for Victim's Third Update report on the Implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2741-Conf](#). A public redacted version was filed on the same day: [ICC-01/04-02/06-2741-Red](#) ("Third Update Report").

¹⁰ Trust Fund for Victims' Fourth Update Report on the Implementation of the Initial Draft Implementation Plan, 24 April 2022, [ICC-01/04-02/06-2751-Conf](#). With one confidential annex, A public redacted version was filed on 20 May 2022: [ICC-01/04-02/06-2751-Red](#) ("Fourth Update Report").

¹¹ Trust Fund for Victims' Fifth Update Report on the Implementation of the Initial Draft Implementation Plan, 24 May 2022, [ICC-01/04-02/06-2767-Conf](#). A public redacted version was filed on 20 July 2022: [ICC-01/04-02/06-2767-Red](#) ("Fifth Update Report").

¹² Trust Fund for Victims' Sixth Update Report on the Implementation of the Initial Draft Implementation Plan, 25 July 2022, [ICC-01/04-02/06-2775-Conf](#). ("Sixth Update Report").

¹³ Trust Fund for Victims' Seventh Update Report on the Implementation of the Initial Draft Implementation Plan, 26 September 2022, [ICC-01/04-02/06-2783-Conf](#). A public redacted version was filed on 25 October 2022: [ICC-01/04-02/06-2783-Red](#). ("Seventh Update Report").

¹⁴ Trust Fund for Victims' Eighth Update Report on the Implementation of the Initial Draft Implementation Plan, 28 November 2022, [ICC-01/04-02/06-2796-Conf](#). A public redacted version was filed on the same day: [ICC-01/04-02/06-2796-Red](#) ("Eighth Update Report").

¹⁵ 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](#) ("Ninth Update Report").

¹⁶ Decision on TFV's first progress report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Director's decision pursuant to regulation 56 of the Regulations of the Trust Fund, [ICC-01/04-02/06-2718-Conf](#). A public redacted version was notified on 28 October 2021: [ICC-01/04-02/06-2718-Red](#). ("Decision on the First Update Report").

Second¹⁷, Third¹⁸, Fourth¹⁹, Fifth²⁰, Sixth²¹, Seventh²², and Eighth²³ Update Report on the Implementation of the IDIP, respectively.

7. On 12 September 2022, the Appeals Chamber issued its judgment on the Reparations Order (“Appeals Judgment”).²⁴

8. On 25 October 2022, Trial Chamber II (the “Trial Chamber”) issued its Order for the implementation of the Judgment on the appeals against the Reparations Order (“Order on the Appeals Judgment’s Implementation”).²⁵

9. On 25 November 2022, the Trial Chamber issued its Decision on the Registry submission in compliance with the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’” (“Decision on Sample”).²⁶

II. UPDATE REPORT OF 30 MARCH 2023

10. This update report covers the activities relevant to the implementation of the IDIP conducted between 30 January 2023 and 30 March 2023. It provides updated information

¹⁷ Decision on the TFV’s Second Progress Report on the implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2730](#). (“Decision on the Second Update Report”).

¹⁸ Decision on the TFV’s Third Update report on the Implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2745-Corr.](#) (“Decision on the Third Update Report”).

¹⁹ Decision on the TFV’s Fourth Update Report on the Implementation of the Initial Draft Implementation Plan, 12 May 2022, [ICC-01/04-02/06-2761](#). (“Decision on the Fourth Update Report”).

²⁰ Decision on the TFV’s Fifth Update Report on the Implementation of the Initial Draft Implementation Plan, 6 July 2022, [ICC-01/04-02/06-2772](#). (“Decision on the Fifth Update Report”).

²¹ Decision on the TFV’s Sixth and Seventh Update Reports on the Implementation of the Initial Draft Implementation Plan, 16 November 2022, [ICC-01/04-02/06-2792](#). (“Decision on the Sixth and Seventh Update Report”).

²² *Ibid.*

²³ Decision on the TFV’s Eighth Update Report on the Implementation of the Initial Draft Implementation Plan, 13 January 2023, [ICC-01/04-02/06-2811-Conf](#) (“Decision on the Eighth Update Report”).

²⁴ Judgment on the appeal against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”, 12 September 2022, [ICC-01/04-02/06-2782](#) (“Appeals Judgment”).

²⁵ Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”, 25 October 2022, [ICC-01/04-02/06-2786](#). (“Order on the Appeals Judgment Implementation”).

²⁶ Decision on the Registry submission in compliance with the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”, 25 November 2022, [ICC-01/04-02/06-2794](#).

regarding the security situation (A), the eligibility assessment (B), and the implementation of initial reparations measures (C).

A. UPDATE ON THE SECURITY SITUATION

11. During the reporting period, the security situation in eastern DRC remained volatile and unpredictable. The security in the areas where the Trust Fund is currently operating has not presented any improvement and an increase of violence between the different armed groups operating in the region is noticeable.

12. The *Mouvement du 23 mars* (“M23”) continues to violently seize new territories such as Mweso, Kitchanga, Sake, Kilorirwe, Mushaki and Nyamilima. As a result, the M23 is reported to currently control a considerable part of key cities such as Goma (North Kivu), mainly in its northern and western part.²⁷ Sources also reported on the displacement of large numbers of people.²⁸

13. Increasing and persistent attacks against civilians attributed to the *Coopérative pour le développement du Congo* (CODECO) and the Allied Democratic Forces (“ADF”) have also been reported, including the killing of 32 civilians in Ituri province.²⁹ The killing of at least 36 people was reported to have taken place in the village of Mukondi as part of an attack that has been attributed to the ADF.³⁰

B. UPDATE ON THE ELIGIBILITY ASSESSMENT

Process until 30 March 2023

²⁷ “Rebel clashes flare in east DR Congo despite pull-out plan”, *The East African*, accessible at <[Rebel clashes flare in east DR Congo despite pull-out plan - The East African](#)>

²⁸ “Trail of war crimes’ left by the DRC rebel group as recent attacks leave 300,000 displaced”, *The Guardian*, accessible at <[‘Trail of war crimes’ left by DRC rebel group as recent attacks leave 300,000 displaced | Global development | The Guardian](#)>

²⁹ “At least 32 civilians killed in eastern Congo, says the U.N.”, *Click on Detroit*, accessible at <[At least 32 civilians killed in eastern Congo, says the U.N. \(clickondetroit.com\)](#)>

³⁰ “At least 36 killed in eastern DR Congo attack”, *Aljazeera*, accessible at <[At least 36 killed in eastern DR Congo attack | News | Al Jazeera](#)>

14. During the reporting period, the Trust Fund did not receive further transmissions of participating priority victims in urgent need from the Common Legal Representative of the Victims of the Attacks (“CLR2”). Two of the ten victims referred to [REDACTED] during the previous reporting period for gathering information on their urgent need remain unreachable to date.³¹ The Trust Fund has been and remains in close contact with CLR2 to reach these victims. The other eight of the ten victims were successfully reached; [REDACTED] is currently carrying out the interviews for information gathering. The Trust Fund is awaiting the outcome of the interviews to assess their eligibility to benefit from IDIP measures.

15. As soon as the determination of eligibility concludes, the Trust Fund will submit to the Trial Chamber, as an addendum to the present report, information regarding the outcome of said eligibility assessment for a final decision approving the Trust Fund determination, in accordance with the Decision on the Sixth and Seventh Update Reports.

16. The Trust Fund did not receive any additional transmission of priority victims from the Common Legal Representative of the Former Child Soldiers (“CLR1”).

17. To date, a total of 25 Former Child Soldiers and 45 Victims of the Attacks have been considered eligible by the Trust Fund while 24 Former Child Soldiers and 45 Victims of the Attacks have been referred for intake.

Next steps

18. Upon receipt of information from [REDACTED], the Trust Fund will carry out the eligibility assessment of the priority victims referred by CLR2 and proceed as described in paragraph 15 above.

19. The Trust Fund stands ready to receive new transmissions from the Common Legal Representatives and the Registry (if any), and to subsequently continue with their eligibility assessment.

³¹ Ninth Update Report, para. 22.

20. The Trust Fund wishes to express its appreciation for the cooperation established with the Common Legal Representatives in the implementation of the IDIP, and for the support received from VPRS in providing access to victims' applications.

C. UPDATE ON IMPLEMENTATION OF INITIAL REPARATION MEASURES

21. The Trust Fund's [REDACTED] did not include any new beneficiaries into the IDIP programme during the current reporting period.³² [REDACTED]

22. [REDACTED] has 45 victims integrated into its programme.³³ The Trust Fund recently received an update from [REDACTED] according to which an additional participating victim appears to have been treated by [REDACTED] as a beneficiary of the IDIP programme. This victim [REDACTED] was initially referred to [REDACTED] in order for [REDACTED] to gather information on the victim's urgent needs on 17 December 2021. The victim was reported by [REDACTED] as being unreachable until July 2022, by which point a first contact could be established but no information on the urgency was provided to the Trust Fund thereafter. The Trust Fund is currently in the process of verifying the steps taken by [REDACTED] and the status of the victim and will inform the Chamber accordingly.

23. Implementation of IDIP measures continues for all those beneficiaries who have not yet received the required services by [REDACTED].

FOR THE FOREGOING REASONS,

24. The Trust Fund respectfully requests that the Trial Chamber take note of the present update report and stands ready to provide further clarifications.



³² [REDACTED]

³³ [REDACTED]

Franziska Eckelmans
Acting Executive Director of the Trust Fund for Victims,

Dated this 3^{1st} Day of March 2023
(Date of original 30 March 2023)
At The Hague, The Netherlands