

**Cour
Pénale
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**International
Criminal
Court**

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No.: **ICC-01/04-02/06**

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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

Public Redacted Version of “Trust Fund for Victims’ Eleventh Update Report on the Implementation of the Initial Draft Implementation Plan” of 30 May 2023, ICC-01/04-02/06-2854-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 first,⁷ second,⁸ third,⁹ fourth,¹⁰ fifth,¹¹ sixth,¹² seventh,¹³ eighth,¹⁴ ninth,¹⁵ and tenth¹⁶ 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 TFFV's First,¹⁷

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

¹⁷ Decision on TFFV'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").

Second,¹⁸ Third,¹⁹ Fourth,²⁰ Fifth,²¹ Sixth,²² Seventh,²³ and Eighth²⁴ 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”).²⁵

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”).²⁶

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”).²⁷

II. UPDATE REPORT OF 30 MAY 2023

10. This update report covers the activities relevant to the implementation of the IDIP conducted by the Trust Fund for Victims between 30 March 2023 and 30 May 2023. It (A)

¹⁸ 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”).

¹⁹ 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”).

²⁰ 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”).

²¹ 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”).

²² 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”).

²³ *Ibid.*

²⁴ 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”).

²⁵ 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”).

²⁶ 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”).

²⁷ 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](#).

provides an overview on the security situation, (B) provides an update on the status of the eligibility assessments under the purview of the Trust Fund for Victims, and (C) reports on the implementation of initial reparations measures.

A. UPDATE ON THE SECURITY SITUATION

11. During the reporting period, the security situation in eastern DRC remained volatile and unpredictable. Countrywide government issued curfews and movement restrictions outside of Bunia have been maintained. The security in Ituri, where the Trust Fund is currently operating has not presented any improvement and violence between the different armed groups operating in the region has continued, as previously reported.

B. UPDATE ON THE ELIGIBILITY ASSESSMENT

Status as of 30 May 2023

12. During the reporting period, the Trust Fund did not receive from the Common Legal Representative of the Victims of the Attacks (“CLR2”) further transmissions of participating priority victims in urgent need.

13. As reported previously, eight of the ten victims had been referred to the TFV’s implementing partner [REDACTED] and had been successfully reached. To date, interviews have been concluded and the Trust Fund is expecting to receive from [REDACTED] the information gathered during their interviews.

14. In the reporting period, the Trust Fund additionally transmitted to [REDACTED] a list of sixteen priority victims for gathering information about their urgent needs.

15. During the reporting period, the Trust Fund did not receive any additional transmission of priority victims from the Common Legal Representative of the Former Child Soldiers (“CLR1”).

16. To date, 45 Victims of the Attacks and 25 Former Child Soldiers have been determined eligible for reparations under the the IDIP. Of these, 24 Former Child Soldiers and 45 Victims of the Attacks have been referred for intake.

Next steps

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

18. The Trust Fund notes that in the implementation of the IDIP it has benefited from cooperation with the Common Legal Representatives in reaching victims, and it has benefited from support from VPRS in accessing application forms.

C. UPDATE ON IMPLEMENTATION OF INITIAL REPARATION MEASURES

19. During the reporting period, no new beneficiaries were included into the IDIP programme for Former Child Soldiers provided by implementing partner [REDACTED].²⁸

20. In line with the IDIP, the Trust Fund implementing partner [REDACTED] has integrated 45 Victims of the Attacks into its programme.²⁹ In the previous update report, an issue was raised concerning the intake of victim [REDACTED].³⁰ On this issue the Trust Fund has requested and awaits information from [REDACTED] on the status of said victim, as well as the information gathered by the said implementing partner during the urgency interview.

21. Victims that were already intaken are currently participating in the reparation measures provided by TFV partners [REDACTED] or [REDACTED], as relevant.

FOR THE FOREGOING REASONS,

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

²⁸ [REDACTED]

²⁹ [REDACTED]

³⁰ See Tenth Update Report, para. 22.



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

Dated this 30th Day of May 2023
The Hague, The Netherlands