

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date of original: **31 July 2023**
(**notified on 1 August 2023**)
Date of public redacted
version: **16 August 2023**

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

Public Redacted Version of “Trust Fund for Victims’ Twelfth Update Report on the Implementation of the Initial Draft Implementation Plan” of 31 July 2023, ICC-01/04-02/06-2859-Conf

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

Ms Sarah Pellet
Ms Caroline Walter
Mr Tars Van Litsenborgh
Ms Ana Peña

Counsel for the Defence

Mr Stéphane Bourgon
Ms Kate Gibson
Mr Benjamin Willame

Mr Dmytro Suprun
Ms Cherine Luzaisu
Ms Fiona Lau

Trust Fund for Victims

Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Other

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

I. BACKGROUND

1. The Trust Fund for Victims (“TFV”) hereby submits its twelfth bimonthly update report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims, and in accordance with Trial Chamber II’s (“Trial Chamber”) decision approving the Initial Draft Implementation Plan (“IDIP”) in the case of *The Prosecutor v. Bosco Ntaganda* and directing the Trust Fund for Victims to report to the Trial Chamber at least every two months on the implementation of the IDIP, which is addressed at priority victims in urgent need.¹
2. On 30 May 2023, the TFV submitted its “Eleventh Update Report on the Implementation of the Initial Draft Implementation Plan” (“Eleventh update report”),² [REDACTED].³
3. Given the Appeals Chamber had partially reversed⁴ the Reparations Order of the Trial Chamber of 8 March 2021,⁵ on 14 July 2023, the Trial Chamber issued the Addendum to the Reparations Order of 8 March 2021 (“Addendum to the Reparations Order”).⁶

II. CLASSIFICATION OF THE PRESENT SUBMISSION

4. Pursuant to Regulation 23 bis (1) of the Regulations of the Court, the Trust Fund for Victims has classified the present report as confidential insofar as it contains sensitive information related to the ongoing implementation of reparations. A public redacted version of the report will be filed in due course

¹ Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#).

² Trust Fund for Victims’ Eleventh Update Report on the Implementation of the Initial Draft Implementation Plan, 30 May 2023, ICC-01/04-02/06-2854-Conf [Public Redacted version ICC-01/04-02/06-2854-Red].

³ [REDACTED].

⁴ Judgment on the appeal against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order” (‘Appeals Judgment’), 12 September 2022, [ICC-01/04-02/06-2782](#).

⁵ Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#).

⁶ Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659, 14 July 2023, [Public Redacted version ICC-01/04-02/06-2858-Red].

III. REGULATION 58 UPDATE REPORT

5. This update report covers the activities relevant to the implementation of the IDIP conducted by the TFV between 31 May 2023 and 31 July 2023. It provides (A) information on external challenges, (B) an update on the status of the eligibility assessments under the purview of the TFV, and (C) a report on the implementation of initial reparations measures.

A. External Challenges

6. During the reporting period, the highly volatile security situation in the areas in which the TFV is currently operating has not posed new or unforeseen challenges in relation to the programme implementation. As previously set out, the main impact of this situation for TFV and Common Legal Representatives relates to the capability to reach out to and maintain contact with victims and beneficiaries.

B. Update on the Eligibility Assessment

Status as of 30 May 2023

7. During the reporting period, the Trust Fund received from the Common Legal Representative of the Victims of the Attacks (“CLR2”) the names of seven additional participating victims suggested for admission to the IDIP programme as priority victims in urgent need. The TFV has reached out to VPRS to receive their respective applications forms.

8. In the reporting period, the TFV received from [REDACTED] the information gathered concerning eight victims referred by CLR2. In order to finalise its assessment of their eligibility to benefit from the IDIP programme, including the type of harm to be repaired, the TFV will conduct a review of the Addendum to the Reparations Order and assess any impact thereof on the eligibility of the eight priority victims to benefit from IDIP measures.

9. During the reporting period, the TFV has not received any additional transmission of priority victims from the Common Legal Representative of the Former Child Soldiers (“CLR1”).

10. To date, 45 Victims of the Attacks and 25 Former Child Soldiers have been determined eligible for reparations under the the IDIP programme. Of these, 24 Former Child Soldiers and 45 Victims of the Attacks have been referred for intake.⁷

Next steps

11. Following the issuance of the Addendum to the Reparations Order by the Trial Chamber, the TFV needs to thoroughly assess the findings contained therein and the impact on the eligibility assessment for the victims who have been interviewed by [REDACTED] before submitting determinations to the Trial Chamber for approval. Thereupon, the TFV will submit the outcome of its eligibility assessment to the Trial Chamber for its final decision.⁸

12. The TFV stands ready to receive new transmissions from the Common Legal Representatives (if any), and to subsequently conduct further eligibility assessments.

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

C. Update on Implementation of Initial Reparations Measures

14. The IDIP programme for Former Child Soldiers provided by implementing partner [REDACTED] have to date 22 beneficiaires. During the reporting period, no new beneficiaries have been included.⁹ Also, in the reporting period, CLR1 indicated to the TFV that a potential additional *Ntaganda* victim [REDACTED], already benefitting from *Ntaganda* IDIP and

⁷ Two of these 24 Former Child Soliders [REDACTED] have been recognized as also victims in the *Lubanga* case after they had started to receive services under the IDIP programme. They have been referred to the *Lubanga* reparations programme for services they have not received in the IDIP (see Trust Fund for Victims' submission of information on certain victims selected in Trial Chamber II's approved sample, 22 December 2022, [ICC-01/04-02/06-2807](#)).

⁸ 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-Conf](#)

⁹ In the context of its Ninth Update Report, the Trust Fund submitted information regarding one victim [REDACTED] assessed eligible to benefit from the IDIP to the Trial Chamber for its final determination; see Annex A to 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-Exp-AnxA. [REDACTED] provisionally invited this applicant to benefit from the programme.

included in the 22 beneficiaries, is also a *Lubanga* victim [REDACTED]. The TFV is in the process of verifying the matter and will appraise the Trial Chamber accordingly.

15. In line with the IDIP, the TFV's implementing partner [REDACTED] has integrated 45 Victims of the Attacks into its programme.¹⁰ In the previous update report, an issue was raised concerning the intake of one victim [REDACTED].¹¹ In the reporting period, the TFV received from [REDACTED] the information gathered concerning this victim; in line with paragraph 11 above, the TFV will finalise their eligibility assessment and thereupon submit the relevant determination to the Trial Chamber after having conducted a review of the Addendum to the Reparations Order and assessed any impact thereof on their eligibility to benefit from IDIP measures.

16. Additionally, the TFV has been recently informed by [REDACTED] that two victims of the group of Victims of the Attacks [REDACTED], who had been declared dead by their relatives in [REDACTED] preliminary research, were reported alive by [REDACTED]. The two victims were referred by the TFV to [REDACTED] for gathering information on their situation on 7 July 2022. Thereafter, [REDACTED] informed the TFV of their passing, and the information was conveyed by the TFV to CLR2 on 26 September 2022. [REDACTED] Similarly to victim [REDACTED], referred to in paragraph 15 above, the TFV will finalise their eligibility assessment and thereupon submit the relevant determination to the Trial Chamber after having conducted a review of the Addendum to the Reparations Order and having assessed any impact thereof on the eligibility of the two victims.

17. The TFV notes that, of the 45 Victims of the Attacks integrated into the programme implemented by [REDACTED], the Trial Chamber found, in the Addendum to the Reparations Order and pursuant to the eligibility assessment carried out thereunder, that four Victims of the Attacks have been found only provisionally eligible to benefit from reparations, and that four

¹⁰ Two of these beneficiaries are currently living outside of Ituri. [REDACTED] is working on a proposal for a possible intake of these two beneficiaries in the respective localities in which they are currently residing.

¹¹ See Trust Fund for Victims' Tenth Update Report on the Implementation of the Initial Draft Implementation Plan, 30 March 2022, ICC-01/04-02/06-2839 [Public Redacted version ICC-01/04-02/06-2839-Red], para. 22.

Victims of the Attacks have not established their eligibility.¹² At the same time, the TFV notes that the Trial Chamber held that victims, who have not established their eligibility, will have the opportunity to supplement the information provided and clarify their account at the implementation stage of the full-fledged reparations programmes.¹³ The TFV notes that these eight victims have already received services under the IDIP programme. The TFV will assess the impact of these findings in line with the Trial Chamber's holding that they should be considered as having benefitted from the assistance programme.¹⁴

FOR THE FOREGOING REASONS,

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



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

Dated this 16th Day of August 2023

(Date of original 31 July 2023)

The Hague, The Netherlands

¹² Addendum to the Reparations Order, para. 143.

¹³ Addendum to the Reparations Order, para. 148.

¹⁴ Addendum to the Reparations Order, para. 143.