

Pursuant to Trial Chamber II 's instruction dated 18 March 2024 this document is reclassified as Public

**Cour
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**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **11 December 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

Confidential

With Confidential *ex parte* Annex 1 only available to CLR2 and VPRS

**Trust Fund for Victims' Fourteenth Update Report on the Implementation of the Initial
Draft Implementation Plan**

Source: The Trust Fund for Victims

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

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**Victims Participation and Reparations
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I. BACKGROUND

1. The Trust Fund for Victims (“TFV”) hereby submits its fourteenth 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 has addressed at priority victims in urgent need.¹
2. On 11 August 2023, a month after the Trial Chamber had issued the Addendum to the Reparations Order of 8 March 2021 (“Addendum to the Reparations Order”),² the Trial Chamber issued its First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations (“First Decision on the DIP”),³ approving the TFV’s draft implementation plan in large part and deciding that, during the reparations implementation phase, the eligibility process, including the identification of new beneficiaries, be conducted by the Registry/Victims Participation and Reparations Section (“VPRS”) and outreach be conducted by the Registry/Public Information and Outreach Section (“PIOS”).
3. On 9 October 2023, the TFV submitted its Thirteenth Update Report on the Implementation of the Initial Draft Implementation Plan (“Thirteenth Update Report”),⁴ answering the queries of the Chamber in its Decision on the TFV’s Ninth to Twelfth update reports on the implementation of the IDIP.⁵

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 Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659, 14 July 2023, ICC-01/04-02/06-2858-Conf. A public redacted version was filed on the same day: [ICC-01/04-02/06-2858-Red](#).

³ First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, 11 August 2023, ICC-01/04-02/06-2860-Conf, (“First Decision on the DIP”). A public redacted version was filed on 30 August 2023: [ICC-01/04-02/06-2860-Red](#).

⁴ Trust Fund for Victims’ Thirteenth Update Report on the Implementation of the Initial Draft Implementation Plan, 31 July 2023, [ICC-01/04-02/06-2873-Conf](#), (“Thirteenth Update Report”).

⁵ Decision on the TFV’s Ninth to Twelfth Update Reports on the Implementation of the Initial Draft Implementation Plan, 31 August 2023, [ICC-01/04-02/06-2868](#).

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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.

III. REGULATION 58 UPDATE REPORT

5. This update report covers the activities relevant to the implementation of the IDIP conducted by the TFV between 9 October 2023 and 11 December 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) information 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 programme implementation. As previously set out, the main impact of this situation for the TFV relates to the capability to reach out to and maintain contact with victims and beneficiaries.

7. The election period has started and elections will be held on 20 December 2023. Heightened risk of insecurity is anticipated, which may impact access to victims during this period. The implementing partners are nevertheless staying in Bunia until further notice. Implementation will continue and the situation will be closely monitored to ensure the implementation of proper precautionary measures or reactions. TFV staff has been requested to leave the Country Office as of the week of the present report. The TFV will have to monitor the implementation of activities from outside the country, returning to the Country Office at the beginning of 2024 at the earliest if the security situation allows.

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8. In its observations on the Thirteenth Update Report,⁶ the Defence reiterated its concern relevant to the risk of financing or supporting militias by awarding reparations in this case. In the Defence's view, without conducting a "robust eligibility determination", which would include *inter alia* seeking information regarding the beneficiaries' possible association with, or involvement in, the activities of armed groups, there is a significant risk that the reparations delivered might be used to fund militias.

9. The TFV recalls that, as the Defence pointed out,⁷ the Chamber found this risk "extremely limited and almost negligible".⁸ The TFV considers that there are no indicators that the risk has intensified since the Chamber's decision.

B. Update on the Eligibility Assessment

Handover of eligibility process

10. The TFV recalls that in its Thirteenth Update Report, it reported on the agreement with VPRS as to the handover of the IDIP eligibility and urgency assessment process.⁹ VPRS and the TFV had agreed that the TFV continues with the urgency assessment of those victims for whom the TFV implementing partner had already been contacted to collect information. Accordingly, as part of this report, the TFV submits its assessment to the Trial Chamber for six victims.¹⁰

11. VPRS and the TFV had also agreed that the TFV would continue until December 2023 with the eligibility and urgency assessment of additional victims submitted by the Common Legal Representatives or VPRS to the TFV for this purpose. A meeting to discuss the way forward as of January 2024 was originally planned for early January 2024. Between September and

⁶ Defence observations on the Trust Fund for Victims' Thirteenth Update Report on the Implementation of the Initial Draft Implementation Plan, 20 October 2023, [ICC-01/04-02/06-2874-Conf](#), ("Defence's observations"), paras 5, 6.

⁷ Defence's observations, paras 5, 6.

⁸ Decision on Ninth to Twelfth Update Reports, para.21.

⁹ Thirteenth Update Report, paras 16, 20 and 21.

¹⁰ See below, paras 15, 16.

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December 2023, no additional names of victims were transmitted to the TFV by the LRVs or VPRS.

12. At a meeting held on 8 December 2023, VPRS expressed that it is now in a position to carry out the eligibility and urgency assessment itself and that it will submit to the TFV, in line with the First Decision on the DIP, the names and contact information of those priority victims who they found eligible and in urgent need. VPRS and the TFV also agreed, in line with the First Decision on the DIP,¹¹ that the TFV will contact those victims within 30 days of receipt of this list of names, of their eligibility to participate in the IDIP programme.

13. The TFV recalled in the course of this meeting that it had communicated to VPRS its minimum needs for information necessary to contact and take the victims into the programme and that such information is essential to enable the TFV and its implementing partners to reach these victims for their intake.

14. Accordingly, as a consequence of this meeting, VPRS will carry out any new eligibility and urgency assessment.

Victims of the Attacks

15. During the reporting period, the TFV conducted the urgency assessment of five of the six victims¹² referred earlier this year by the Common Legal Representative for the Victims of the Attacks (“CLR2”).¹³ Additionally, the TFV and its partner succeeded in contacting and carrying out the urgency assessment of a victim referred by the CLR2 in 2021 who had been unreachable to date (a/00893/13). The TFV recalls that the TFV implementing partners have collected the information that enables the TFV to carry out this assessment.

¹¹ First Decision on the DIP, para. 170.

¹² From 31 May 2023 to 31 July 2023, the CLR2 had referred six victims namely: a/20406/14, a/00633/13, a/20017/14, a/00916/13, a/00903/13, a/00210/13. Victim a/20017/14 could not be reached.

¹³ Email from TFV to partner on 9 November 2023 at 18:45; Emails from partner to TFV on 6 December 2023 at 5:59 and 11:22.

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16. The TFV concluded that all these six priority victims demonstrate urgent needs¹⁴ and submits the relevant information in Annex 1 to this update report for approval pursuant to the Trial Chamber's Decision on the TFV's Sixth and Seventh Update Reports on the Implementation of the IDIP.¹⁵ These individuals will start benefitting from the programme as soon as these determinations are approved by the Trial Chamber.

Former Child Soldiers

17. During the reporting period, the TFV has not received any additional transmission of names of priority victims from the Common Legal Representative of the Former Child Soldiers.

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 11th Day of December 2023

New York, United States of America

¹⁴ It is noted that victim a/00916/13 was found eligible for reparations by the Trial Chamber in its Addendum to the Reparations Order (see Annex II to Addendum to the Reparations Order, para. 233). Accordingly, the TFV focused solely on the evaluation of the urgency of their needs.

¹⁵ 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](#).