

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date of original: **3 November 2023**

Date of submission: **4 March 2024**

**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**

**With public redacted version of Annexes A and B**

**Public redacted version of “Trust Fund for Victims’ Submission of Additional Information on the Draft Implementation Plan” submitted on 3 November 2023, ICC-01/04-02-06-2877-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

Mr Dmytro Suprun  
Ms Cherine Luzaisu  
Ms Fiona Lau

**Counsel for the Defence**

Mr Stéphane Bourgon  
Ms Kate Gibson  
Mr Benjamin Willame

**Trust Fund for Victims**

Ms Deborah Ruiz Verduzco

**REGISTRY**

---

**Registrar**

Mr Osvaldo Zavala Giler

**Other**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Public Information and Outreach Section**

Ms Sonia Robla

## I. BACKGROUND

1. On 8 July 2019, Trial Chamber VI issued its Judgment, convicting Mr Bosco Ntaganda of five counts of crimes against humanity and thirteen counts of war crimes.<sup>1</sup>
2. On 8 March 2021, the Trial Chamber II (the “Trial Chamber”), issued an order for reparations against Mr Ntaganda through the Trust Fund for Victims, awarding USD 30 million to the victims of the crimes for which Mr Ntaganda has been convicted by the Court (“Reparations Order”).<sup>2</sup>
3. The Reparations Order seized the Trust Fund for Victims pursuant to regulations 50(b) of the Regulations of the Trust Fund for Victims. Accordingly, pursuant to regulation 54 of the Regulations of the Trust Fund for Victims and within the deadlines set by the Trial Chamber to that effect, the Trust Fund prepared a draft implementation plan, approved by the Board of Directors of the Trust Fund for Victims, the second version of which was submitted to the Trial Chamber on 24 March 2022 (“Draft Implementation Plan” or “DIP”).<sup>3</sup> Given the Reparations Order had been appealed, the Trust Fund for Victims anticipated the need of a new version upon issuance of the appeals judgment,<sup>4</sup> subject to leave granted by the Trial Chamber.
4. On 14 July 2023, following the Appeals Chamber’s judgment on the Reparations Order of 12 September 2022 (“Appeals Judgment”) that partly reversed the Reparations Order,<sup>5</sup> the Trial Chamber issued the Addendum to the Reparations Order of 8 March 2021 awarding USD 31.3 million to the victims through the Trust Fund for Victims (“Addendum to the Reparations Order”).<sup>6</sup> The Addendum to the Reparations Order is currently under appeal, following the

---

<sup>1</sup> Judgment, 8 July 2019, [ICC-01/04-02/06-2359](#).

<sup>2</sup> Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), paras 249-253 and 257, and disposition (“Reparations Order”).

<sup>3</sup> Trust Fund for Victims’ second submission of Draft Implementation Plan, 24 March 2022, ICC-01/04-02/06-2750, with Annex 1, corrigendum to public redacted version filed on 14 April 2022, [ICC-01/04-02/06-2750-Anx1-Red-Corr](#) (“DIP”).

<sup>4</sup> DIP, para. 30.

<sup>5</sup> 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”).

<sup>6</sup> 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 (“Addendum to the Reparations Order”). A public redacted version was filed on the same date: [ICC-01/04-02/06-2858-Red](#).

appeals of respectively the Defence and the Common Legal Representative of the Victims of the Attacks (“CLR2”).<sup>7</sup>

5. On 11 August 2023, the Trial Chamber issued its First Decision on the DIP approving the Trust Fund for Victims’ draft implementation plan in large part and requesting additional information from the Trust Fund for Victims (“First Decision on the DIP”).<sup>8</sup> A part of this additional information had to be submitted within 60 days, the deadline that was extended to 3 November 2023 due to the IT disruptions that the Court suffered throughout September.

6. The Trust Fund for Victims (“TFV”) hereby submits the additional information sought by Trial Chamber II in its First Decision on the DIP. The TFV also formulates views in relation to discrete aspects of the First Decision on the DIP requiring its reaction.

## **II. CLASSIFICATION**

7. Pursuant to Regulation 23 bis (1) of the Regulations of the Court, the Trust Fund for Victims has classified the present submission as confidential insofar as it contains sensitive information related to the ongoing implementation of reparations and information provided by other stakeholders which consider it confidential. A public redacted version of the submission will be filed in due course.

## **III. OVERVIEW OF APPROVED AND PENDING DIP MEASURES**

8. The TFV considers that the First Decision on the DIP marks an essential step towards the effective reparation of the harm suffered by the victims in the *Ntaganda* case.

---

<sup>7</sup> Defence Notice of Appeal against the 14 July Addendum to the Reparations Order of 8 March 2021, 16 August 2023, ICC-01/04-02/06-2863-Conf. A public redacted version was filed on 21 August 2023: [ICC-01/04-02/06-2863-Red](#); Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, and Request for Suspensive Effect in relation to Trial Chamber II’s Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13, 16 August 2023, [ICC-01/04-02/06-2862](#).

<sup>8</sup> 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 the 30 August 2023: [ICC-01/04-02/06-2860-Red](#).

9. This section addresses the following points: (A) types of victims and sub-programmes; and (B) status of proposed measures.

#### **A. Types of victims and sub-programmes**

10. The TFV recalls that the case comprises two groups of victims, Victims of two Attacks (V2A) and Former Child Soldiers (FCS). The TFV notes that the Trial Chamber has instructed throughout the Addendum to the Reparations Order to treat the victims of both groups equally and provide them with equivalent services.<sup>9</sup> The TFV considers that the DIP complies with this principle, which will also govern programmatic decisions to be taken throughout implementation.

11. The TFV recalls that through the DIP it has proposed psychological, physical and socio-economic *rehabilitation* measures under its first three outcomes sought (DIP, section C.1.), which apply without distinction to both groups of victims. The TFV anticipates that the implementation of rehabilitation measures will be done through two distinct sub-programmes, a programme for the Former Child Soldiers (short form “FCSP”) and a programme for the Victims of the Attacks at issue (“V2AP”). The implementation of symbolic and satisfaction measures aimed at the fourth and fifth outcomes of the DIP sought will either be carried out as part of these sub-programmes or through separate projects with implementing partners.

#### **B. Status of proposed measures**

12. In relation to the status of the proposed rehabilitative measures that will make part of the two sub-programmes, the TFV interprets the First Decision on the DIP as follows:

- a. Psychological assistance (DIP, C.2.a.) – approved by the Trial Chamber;
- b. Psychosomatic treatments (DIP, C.2.b.) – approved by the Trial Chamber;
- c. Physical rehabilitation, medical care and treatment (DIP, C.3.) – approved by the Trial Chamber;

---

<sup>9</sup> E.g. Addendum to the Reparations Order, paras 342, 359.

- d. Starter sum (DIP, C.4.a.) – *not approved*, more information requested by the Trial Chamber to be provided in this submission;
- e. Educational activities (DIP, C.4.b.), including refresher trainings, university scholarships, language courses for beneficiaries and school fees for dependants – approved by the Trial Chamber;
- f. Income-generating activities (DIP, C.4.c.), including vocational training, material assistance in conducting an income-generating activity, support in creating savings and credit associations – approved by the Trial Chamber;
- g. Support with social rehabilitation (DIP, C.4.d.) – approved by the Trial Chamber;
- h. The lump sum *in lieu* (DIP, C.4.e.) – approved by the Trial Chamber and *additional information requested*.

13. An additional important aspect of the two sub-programmes has been to ensure that the programme guarantees measures and methodologies that are sensitive to the situation of victims of rape and sexual slavery and children born out of rape and sexual slavery (DIP, C.6.f. (2)). The TFV considers it necessary that a sexual violence expert is available in the preparatory and implementation phase of the two programmes. During recent consultations, the Common Legal Representative of the Former Child Soldiers (CLR1) similarly expressed her strong support for such an expert supporting the TFV in the preparation, and later, implementation of the programme. The Trial Chamber has not yet approved this measure but requested more information that is provided in this submission.

14. Accordingly, as soon as the Trial Chamber decides on the measures relevant to the starter sum, the lump sum *in lieu*, and the SGBV expertise, the TFV will start taking the steps necessary to set up the two sub-programmes.

15. The other measures proposed in the DIP cover the fourth and fifth outcomes of the reparations implementation, focussing on symbolic and satisfaction measures. As recalled, the proposal of some of the measures was interim and subject to finalisation following full

consultations. The TFV interprets the First Decision on the DIP as providing the following status: The proposed specific measure for victims of sexual and gender-based violence (SGBV) is deemed not approved by the Trial Chamber.<sup>10</sup> The measure relevant to the building of symbolic structures, already in the process of implementation in the *Lubanga* case, has been approved by the Trial Chamber. In summary:

- a. Conviction by the ICC as satisfaction measures (DIP, C.6.) – already implemented by the Court;
- b. Awareness and sensitisation of population and schools as satisfaction measures (DIP, C.6.) – more information as well as consultations with the Registry’s Public Information and Outreach Sections (“PIOS”) requested by the Trial Chamber;
- c. Community centres for Former Child Soldiers as symbolic reparation measures (DIP, C.6.h.(1)) – approved by the Trial Chamber;
- d. Community centre relevant to Abbé Bwanalonga as symbolic reparation measures (DIP, C.6.h.(2)) – consultations to continue, as requested by the Trial Chamber;
- e. Plaque at Sayo health centre (DIP, C.6.h.(3)) – approved by the Trial Chamber with specific direction of the Trial Chamber as to the wording on the plaque;
- f. Additional reparations for Sayo health centre (DIP, C.6.h.(3)) - neither yet fully proposed by the TFV nor approved by the Trial Chamber – additional information to be provided in this submission;
- g. Symbolic amount of [REDACTED] for SGBV victims and children born out of rape (DIP, 6.i.) – not approved by the Trial Chamber;
- h. Advocating for the issuance of ID cards (DIP, 6.i.) – more information to be provided in this submission as requested by the Trial Chamber;

---

<sup>10</sup> First Decision on the DIP, para. 94.

- i. Sexual violence expert to be hired by the TFV (DIP, 6.i.) – more information to be provided in this submission as requested by the Trial Chamber (see also above under rehabilitation measures);
- j. Missing persons investigator (DIP, C.6.j.) – more information to be provided in this submission as requested by the Trial Chamber;
- k. Matters relevant to an apology of Mr Ntaganda (DIP, C.6.k.) – Trial Chamber requested consultations to be held with the Defence and legal representatives and information to be provided in this submission.

16. The TFV underlines that it is strongly committed to advance on the steps that need to be taken to prepare for the two major sub-programmes for purposes of rehabilitation and for the implementation of the other approved measures. The TFV informs the Trial Chamber that the approved symbolic measure of building symbolic structures for the benefit of Former Child Soldiers has advanced in the context of the *Lubanga* case. The TFV will report to the Trial Chamber about the steps taken to ensure that finalisation of the building of the structures will take place in 2024 in the context of both cases.

#### IV. FUNDING OF THE NTAGANDA PROGRAMME:

17. The Trial Chamber awarded USD 31.3 million to the victims in this case. To come to this overall sum of liability, the Trial Chamber based itself on an assessment of categories of harm suffered and numbers of victims as follows:<sup>11</sup>

Group/Harm	Amount
Overlapping <i>Lubanga/Ntaganda</i> victims	\$ 10,000,000
<i>Ntaganda</i> -only Child Soldiers/SGBV victims	\$ 2,096,320
Psychological harm (Victims of the Attacks)	\$ 5,032,898

<sup>11</sup> Addendum to the Reparations Order, para. 358.



Physical harm (Victims of the Attacks)	\$ 2,780,922
Material harm (Victims of the Attacks)	\$ 11,189,765
Sayo Health Centre	\$ 130,000
<b>Total</b>	<b>\$ 31,229,905</b>

18. The Trial Chamber stressed in the Addendum to the Reparations Order:

313. [...] It is indeed for the Chamber to determine the total amount that it considers fair and appropriate to repair the harm caused to the victims of the crimes for which Mr Ntaganda has been convicted. Within the amount set by the Chamber, reparations may be provided to all beneficiaries found eligible to benefit from them, for as long as they have come forward voluntarily during the timeline to be set by the Chamber for such purposes. [Footnotes omitted]

19. The TFV understands that the Trial Chamber used these amounts as guidelines to calculate the overall amount of liability of Mr Ntaganda but that they do not correspond to an order of what victims are expected to receive directly. Through this statement, the TFV understands that it is not bound through implementation to apply these exact amounts to the relevant groups of victims and for the relevant activities, and that it is instead the DIP that determines the forms through which harm is repaired.

20. The Trial Chamber also stated in the Addendum to the Reparations Order:

314. However, it should be stressed that this would only be true for as long as the convicted person complies with its obligation and pays the award or the TFV is able to complement it in full. Accordingly, although the amount of liability set by the Chamber is indeed the maximum limit of resources that can be used for the purposes of repairing the harm caused to the victims of the crimes for which Mr Ntaganda was convicted, neither the estimations as to the number of victims provided by the Chamber in the present decision is a limit as to the maximum number of individuals that may come forward and be able to benefit from the award, nor is the TFV obliged to fully complement the award. The ultimate responsible to pay is and continues to be the convicted person. [Footnotes omitted]

21. The TFV takes note of the Trial Chamber's findings and its emphasis on clarifying the legal framework whereby the TFV retains the discretion to mobilise resources or use its resources to complement the award. Nevertheless, as set out in the DIP,<sup>12</sup> the TFV states once again that it

---

<sup>12</sup> DIP, para. 32.

remains committed to complement the amounts that correspond to the harm caused to victims in light of the indigence of Mr Ntaganda.

22. Concerning viability of fund mobilisation, the TFV underlines that the considerations relevant to the funding of the programme remain the same as expressed in the DIP.<sup>13</sup> Given the TFV has so far complemented about EUR 6.94 million to the liability of Mr Lubanga and EUR 1.6 million to the liability of Mr Ntaganda, given the overlap between *Lubanga* and *Ntaganda*, and given an exchange rate EUR-USD of 0.943 (November 2023), the TFV has set its target of fund mobilisation at EUR 21 million.

#### **V. TIMELINE OF IMPLEMENTATION OF THE NTAGANDA PROGRAMME:**

23. The TFV takes note of the Trial Chamber’s announcement that the *Ntaganda* programme should take five years “from the effective commencement of the implementation of reparations”.<sup>14</sup> The TFV recalls that it proposed timelines relevant to each of two sub-programmes, FCSP and V2AP, based on the consideration of the principles that the two programmes should equally address both groups of victims, aim at including all victims that may fall within the scope of the conviction, and allow the services to be provided to the beneficiaries in an equal manner, including over the same amount of time.

24. The TFV also stresses that the timeline of implementation will be defined by:

- a. the programmatic length of measures, including normal times to consult, set up, initiate and close down activities, depending also on the type of activities;
- b. implementation rate (influenced by the rate at which victims are able to access programmes; and the rate at which implementing entities are able to deliver reparation measures); and
- c. funding availability for a given period.

---

<sup>13</sup> DIP, paras 264 – 283.

<sup>14</sup> First Decision on the DIP, para. 127.

25. Concerning the programmatic length of measures, the TFV recalls, for example, that some of the socio-economic aspects of the services as already approved by the Trial Chamber take two years (education assistance) or three years (university assistance).

26. Concerning implementation, the TFV recalls the limited in-country availability of providers of measures contained in the plan, their own capacity, and a security context that may impact the rate at which victims may access the programme.

27. Concerning fund mobilisation, if the TFV was to accomplish an EUR 21 million complement within the five-year timeline envisaged by the Trial Chamber, and if that timeline was to start effectively in early 2024, it would have to mobilise EUR 4.2 million per year for this programme alone. Given other Court-ordered reparation programmes that will commence with an equal or higher value, it is unlikely that funds would be mobilised within that period. Keeping in mind the need to expeditiously bring reparations to the victims in this case, the TFV will nevertheless endeavour to do increase its mobilisation rate.

28. During 2022, the TFV raised more than EUR 2 million for the *Lubanga* reparations to ensure the continuation of the *Lubanga* programme into a third contractual year that started on 1 September 2022. As found by the Trial Chamber, this programme also benefits the group of *Ntaganda* Former Child Soldiers. The TFV currently strives in 2023 to raise a similar amount to further continue the *Lubanga* programme, including upon merger with the *Ntaganda* Former Child Soldiers programme.

29. The TFV notes that voluntary contributions earmarked to *Ntaganda* have so far only been provided by Australia in 2021, allocated to the IDIP programme. The TFV considers that this apparent hesitancy of States to earmark is likely connected to the fact that the Reparations Order has not yet been final, and States often require the TFV to use voluntary contributions within an immediate and limited timeframe. The TFV considers that, upon finality of the Reparations Order, voluntary donations to benefit victims in the *Ntaganda* case are likely to increase.

30. In addition, leaving aside the precarious security situation in Ituri Province, the provision of services is not only dependent on the amount of funds available per year but also on local

capacities to provide to a great number of victims the relevant services. Accordingly, the focus of the TFV is not on the length of the entire programme but on ensuring that all victims reached and admitted can equally take part in the full length of the services provided by the respective programme.

31. Based on these considerations, the TFV considers that a flexible approach to the total programme duration may better suit the circumstances of this case. Such flexible approach will also ensure realistic communication to victims and will ensure that the TFV and the Court's performance is measured against realistic indicators.

## **I. INFORMATION REQUESTED BY THE TRIAL CHAMBER FOR THE PRESENT SUBMISSION**

### **A. REQUESTS FOR SUSPENSIVE EFFECT**

32. In the First Decision on the DIP, which was issued shortly before the Addendum to the Reparations Order was appealed by CLR2 and Mr Ntaganda,<sup>15</sup> the Trial Chamber requested the TFV to provide information on various categories of issues to inform the further approval process of the DIP. The Trial Chamber requested the TFV to provide updated information *inter alia* on developments that have taken place since the DIP was submitted; on next steps and timeline, where appropriate, regarding outcomes four and five, which it notes are limited in the DIP; on how the next steps it envisages fit within the five-year timeframe set for the implementation of reparations in the case regarding estimates as to the direct and indirect costs of the approved projects; and information as to the TFV's projections of its ability to complement the award.

33. The TFV notes that CLR2 filed a request for suspensive effect of his appeal in relation to one distinct part of one of his three grounds appeals, namely on the Trial Chamber's decision on

---

<sup>15</sup> Defence Notice of Appeal against the 14 July Addendum to the Reparations Order of 8 March 2021, 16 August 2023, ICC-01/04-02/06-2863-Conf. A public redacted version was filed on 21 August 2023 ICC-01/04-02/06-2863-Red; Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the "Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659", and Request for Suspensive Effect in relation to Trial Chamber II's Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13, 16 August 2023, ICC-01/04-02/06-2862.

the eligibility of four victims.<sup>16</sup> Mr Ntaganda also filed a request for his appeal to be given suspensive effect. In the proceedings before the Appeals Chamber, the TFV indicated that it seeks guidance from the Appeals Chamber as to the effects of a possibly ordered suspensive effect of these appeals.<sup>17</sup> The Appeals Chamber has not issued its decision on either of these submissions.

34. The TFV considers that knowing of and factoring in the outcome of these requests for suspensive effect will be essential to providing a fully informed response to the Trial Chamber's requests for additional information and for the TFV to properly plan the way forward and report to the Trial Chambers in relation to such plans, on the steps already taken, as well as on the financing scenarios linked thereto.<sup>18</sup>

35. In light of the request from the Trial Chamber of detailed and accurate information and the need to ensure the final DIP is based on such such information, the TFV requests the Trial Chamber to allow it to provide additional submissions 21 days after the decision on suspensive effect is issued. Given a number of requested consultations are underway, the TFV will then also take the opportunity to provide an update on any such consultations, insofar as pertinent.

## **B. ADDITIONAL INFORMATION**

36. In preparing this submissions, the TFV has been informed by valuable and substantive input received throughout consultations, exchanges or collaboration with various organisations in Ituri Province, the CLR1, CLR2, VPRS, PIOS, and the Defence. The consultations, exchanges and collaboration will continue in preparation of any additional submissions and throughout the implementation of reparations.

---

<sup>16</sup> Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the "Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659", and Request for Suspensive Effect in relation to Trial Chamber II's Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13, 16 August 2023, [ICC-01/04-02/06-2862](#).

<sup>17</sup> Observations on Requests for Suspensive Effect and Request under rule 103 of the Rules of Procedure and Evidence, 31 August 2023, [ICC-01/04-02/06-2867](#).

<sup>18</sup> See for a few indications: Observations on Requests for Suspensive Effect and Request under rule 103 of the Rules of Procedure and Evidence, 31 August 2023, [ICC-01/04-02/06-2867](#).

37. The TFV addresses in this section the following requests of the Trial Chamber for additional information: the socio-economic starter sum (1); the Sayo Health Centre (2); ID cards (3); sexual violence expertise (4); missing persons measures (5); apology (6); lump sum *in lieu* (7); engagement with DRC authorities (8); and, persecution and deportation (9). The Trial Chamber also suggested different methods of implementation instead of cash payment and requested the TFV to address them (10).

### **1. Socio-economic starter sum**

38. In the First Decision on the DIP, the Trial Chamber instructed the TFV to provide further information as to the exact starter sum amount paid to the victims as part of reparations in the *Lubanga* case and whether the TFV considers that the same amount should be paid to all the victims in the *Ntaganda* case and under what conditions.<sup>19</sup>

39. Based on consultations, impact assessments and documented experiences of victims in the reparations programme of *Lubanga* and *Katanga* respectively, the TFV considers that awarding victims a modest cash transfer at the very start of the programme ("starter sum") has an important positive impact on victims, when accompanied with the other measures. The starter sum - would ensure *inter alia* that (i) victims can address any immediate needs; (ii) victims can decide how best to use these funds, thereby affirming their agency in the process; (iii) a component of the reparations can meet the promptness principle as cash delivery can be achieved faster than the time that it will take for other measures to reach the victims; (iv) victims are signalled an immediate and material recognition of their status as beneficiary; (v) being tangible, the starter sum contributes to enhance trust in the actions of the Court, realised through the TFV; and (vi) the increased level of trust provides a basis to enhance involvement in and acceptance of other reparation measures.<sup>20</sup>

40. In the *Lubanga* programme, victims do not receive a socio-economic starter sum. They merely receive financial support in form of a lump sum to compensate for transportation costs

---

<sup>19</sup> First Decision on the DIP, para. 46.

<sup>20</sup> DIP, paras 182-187.

and the resultant loss of earnings as they are participating in activities, in particular trainings that may take many months.<sup>21</sup> This financial support will remain applicable to *Ntaganda* victims and differs from the purpose and timing of a starter sum. The TFV recalls that in *Lubanga*, victims expressed their disappointment that a cash lump sum akin to the proposed starter sum was not provided prior to participation in any psychological, physical rehabilitation measures or the socio-economic component.<sup>22</sup>

41. The Chamber has requested the TFV to provide precise information about the amount that should be paid. The TFV is not in a position to provide the Trial Chamber with an actual and viable calculation, which will be carried out, once the programmatic details are finetuned. The TFV underscores the necessity, at this stage, to be cautious when dealing with the intricate details of the programme. This caution ensures that communication with the victims by all involved is based on the same information.

42. The TFV refers to the reference point available being the symbolic individual award in the *Katanga* case of USD 250. While the TFV is not proposing an individual award as in the case *Katanga*, the effect of the starter sum is anticipated to be similar. [REDACTED]. [REDACTED].

43. By reference to the conditions of payment, the TFV will have to consider the practicalities involved, and determine the best value (cost, speed, reliability and value). While it can be predicted with some certainty that most payments will be made via mobile cash transfer, the TFV will need to determine for each of the sub-programmes whether these payments are executed by the TFV or the implementing partners.

## **2. Sayo Health Centre**

44. Upon suggestion of the Trial Chamber, the TFV included in the DIP as a symbolic reparations measure the placing of a recognition plaque on the Sayo health centre.<sup>23</sup> The Trial

---

<sup>21</sup> Trust Fund for Victims' Submission pursuant to Trial Chamber II's decisions on the implementation of the Appeals Chamber Judgment against the Reparations Order, 30 January 2023, [ICC-01/04-02/06-2819](#), para. 11.

<sup>22</sup> DIP, para. 183.

<sup>23</sup> DIP, para. 232.

Chamber approved this measure in the First Decision on the DIP, providing direction as to the wording of the plaque.

45. The TFV stated in the DIP that any additional measures will be considered once proper consultations and an assessment of the status of the health centre will be possible.<sup>24</sup>

46. The Trial Chamber in the Addendum to the Reparations Order determined that the total amount of USD 130,000 would fairly and appropriately repair the material and immaterial harms inflicted on the health centre and the community of Sayo and its surroundings as a whole.<sup>25</sup> In the First Decision on the DIP, the Chamber instructed the TFV to consult with local healthcare practitioners and present a proposal to the Chamber on increasing existing healthcare capacities with regard to the harms inflicted on the Sayo health centre, the community of Sayo and its surroundings as a whole.<sup>26</sup>

47. The TFV started to conduct consultations on this question as expeditiously as possible and aims to identify members of the Sayo community and healthcare practitioners to determine suitable measures to increase the existing healthcare capacity. Due to the ongoing conflict, Sayo remains inaccessible, as previously reported.<sup>27</sup>

48. Since travel and in-person consultations with the community will only be possible upon a change in the security situation, the TFV will engage, as CLR2 proposed, in remote consultations, to the initiation of which CLR2 agreed to provide support. They will need to be followed by more ample consultations.

### **3. ID cards**

49. In the context of measures specifically applicable to children born out of rape, the DIP proposed that the TFV, in cooperation with the implementing partner, will collaborate with local officials to advocate for the issuance of ID cards and other legal documents for children born out

---

<sup>24</sup> DIP, para. 236.

<sup>25</sup> First Decision on the DIP, para. 89.

<sup>26</sup> First Decision on the DIP, para. 89.

<sup>27</sup> DIP, para. 234.



of rape to reintegrate into society.<sup>28</sup> The TFV's proposal was guided by the 'Expert Report on Reparations for Victims of Rape, Sexual Slavery and Attacks on Healthcare', submitted by Dr Sunneva Gilmore.<sup>29</sup> In its experience and based on its consultations, accessing ID cards in eastern DRC has not proven difficult in recent years. However to mitigate risks, the TFV considered integrating Dr Sunneva Gilmore's proposal into the programme in the event issues arise in this respect.

50. The Trial Chamber instructed the TFV to consult with victims to determine what the barriers are for children born out of rape and sexual slavery to acquiring ID cards and present the Chamber with a concrete plan to support victims in obtaining the ID cards.<sup>30</sup>

51. The TFV has further consulted with CLR1 and CLR2 on this issue as well as through written correspondence with several local organisations. As a result of these consultations, obtaining an ID card is not currently subject to administrative difficulties, including for children born out of rape. At the same time, the TFV was also advised to stand ready to address the issue, should it arise during implementation.

52. To respond to the invitation of the Trial Chamber to lay out in detail the process envisaged to support the relevant beneficiaries: in the event the issue arises, addressing the matter is straightforward in eastern DRC and can be addressed at a reasonable cost. The TFV's implementing partners for the FCSP and V2AP programmes would need to agree with the local authorities on a process of how beneficiaries in the programme can acquire relevant identification documents. In addition, the relevant beneficiaries, who have by the start of the *Ntaganda* programme all reached the age of majority, would need to get psycho-social support and be accompanied in this process.

#### **4. Sexual violence expertise**

---

<sup>28</sup> DIP, para. 239.

<sup>29</sup> Annex 2 to the Registry Transmission of Appointed Experts' Reports ('Second Expert Report'), 30 October 2020, ICC-01/04-02/06-2623. A public lesser redacted version was filed on 21 December 2022: [ICC-01/04-02/06-2623-Anx2-Red4](#), p. 140.

<sup>30</sup> First Decision on the DIP, para. 95.

53. The Trial Chamber instructed the TFV to provide additional information regarding the consultant's envisioned role and how it relates to the reparation of the victims' harm.<sup>31</sup>

54. The TFV recalls that the inclusion of a sexual violence expert as consultant was proposed in support of an overarching strategy in relation to addressing sexual violence victims (also referred to as "SGBV" victims) and children born out of rape, with a view to ensuring that all measures and methodologies utilised in the programme are sensitive to the situation of these victims: on the one hand, to ensure measures provided as part of the rehabilitation programmes would address the specific situation of SGBV victims and children born out of rape and sexual slavery, to enable the best possible rehabilitation in the circumstances and, on the other hand, to, as far as possible, address specific issues pertaining to this group of victims, including stigmatisation within families and communities.<sup>32</sup>

55. The overarching aim of this expertise is to ensure the responsiveness of all aspects of the programme to victims of rape and sexual violence. Accordingly, the TFV envisions such expertise in the preparation of the implementation as well as during the implementation of the programme.

56. The overarching aim of this expertise is to ensure the responsiveness of all aspects of the programme to victims of rape and sexual violence. Accordingly, the TFV envisions such expertise in the preparation of the implementation as well as during the implementation of the programme.

57. The overarching aim of the development and implementation of such a strategy is to ensure the responsiveness of all aspects of the programme to victims of rape and sexual violence. Accordingly, the TFV envisions such expertise in the preparation of the implementation as well as during the implementation of the programme.

---

<sup>31</sup> First Decision on the DIP, para. 96.

<sup>32</sup> DIP, paras 211 and 240.

58. In respect of the development of V2AP, SGBV expertise will be required to advise on the development of the scope of work, to ensure that the designed programme is fully responsive to the needs of sexual violence victims.

59. In respect of the FCSP, SGBV expertise will assist on the merger with the *Lubanga* programme, after analysing what aspects need to improve or be adapted to ensure the rehabilitation measures meet the needs of former child soldiers who also suffered sexual violence.

60. In designing the programme, SGBV expertise will help as to how best to approach beneficiaries who need treatment for life, an issue underlined during the consultations held by CLR1.

61. SGBV expertise will help monitoring the implementation of the two programmes with a view of advising the TFV as to measures that can be taken to adapting and adjusting the programme as far as necessary.

62. During implementation, SGBV expertise will assist in training and conducting capacity-strengthening of specialists working with the implementing partners, including psychologists who are already trained in approaching victims of sexual violence in the context of the conflict in eastern DRC.<sup>33</sup> The additional training to be undertaken would aim at strengthening treatment methods and approaches for victims of sexual violence,<sup>34</sup> as well as at providing training to the socio-economic support advisers and those otherwise in contact with this group of victims. The aim is to ensure that all those involved in reparations delivery are sensitised to the particularly vulnerable situation of beneficiaries in the programme, who have faced rape and sexual slavery.<sup>35</sup>

63. In furtherance of this aim, SGBV expertise, in addition to the ongoing capacity strengthening outline above, will assist with the development of training approaches to strengthen

---

<sup>33</sup> DIP, para. 211.

<sup>34</sup> DIP, para. 211.

<sup>35</sup> DIP, para. 213.

treatment methods and approaches for SGBV victims, to develop strategies to address stigmatisation of SGBV victims and children born out of rape and sexual slavery within families and communities, and to collaborate with implementing partners to implement the identified strategies and measures, amongst others.

64. The TFV emphasises the need for local expertise with experience in the specific subject matter and knowledge of victims' diverse needs in the context of the conflict in Ituri Province.

65. The TFV underlines that this local component and the need for capacity building in order to ensure long lasting effects of the reparations after the life of the programme were also stressed *inter alia* as necessary elements of the consultancy by CLR1 during the consultations held.

## 5. Missing persons-related measures

66. The Trial Chamber directed the TFV to engage in consultations with local organisations and/or provide more details on how it envisions a missing persons investigator would be successful in carrying out this task.<sup>36</sup>

67. The TFV recalls that consultations on the issue of missing persons have already been held in the context of the *Lubanga* case with various relevant international and local organisations.<sup>37</sup> These consultations focused on whether they could assist the TFV with or refer to entities they believe could assist with the location and identification of child soldiers specifically designated as missing. In the course of these consultations, the TFV was informed that these organisations do not carry out such specific search activities. In addition, the TFV was taking various measures to find the relevant expertise and organisations but without success. It is in light of the aforementioned developments that the TFV proposed to include an expert in investigations in the context of missing persons in the present case.

---

<sup>36</sup> First Decision on the DIP, para. 103.

<sup>37</sup> Annex A to the *Sixième rapport sur le progrès de la mise en œuvre des réparations collectives conformément aux ordonnances*, 14 August 2019, ICC-01/04-01/06-3467-AnxA. A public redacted version was filed the same day: [ICC-01/04-01/06-3467-AnxA-Red](#), paras. 60-61.

68. During the consultations held with CLR1, the CLR1 suggested that different avenues could be pursued to determine alternative solutions to the problem of missing persons in light of the difficulties faced in relocating missing persons, with a view to providing a sense of relief and satisfaction to the victims. As a result of these consultations, the TFV is planning to conduct further consultations to explore in more breadth the scope of measures in support of the families of missing persons. These measures may lead to registration of names of missing persons, analysis of data in relation to the whereabouts of missing persons, interviews of persons who may have such information, mechanisms for human identification, any other investigative activity.

69. The TFV will endeavour to undertake the relevant consultations in early 2024, together with the CLR1, to determine measures and seek clarity on available possibilities in the local context to address the harm suffered by the families of missing persons.

## 6. Apology

70. In the First Decision on the DIP, the Trial Chamber directed the Defence to “consult with Mr Ntaganda as to whether he is willing to provide an apology to the victims and to advise the TFV and CLR1 of his answer within thirty-days of notification of the present Decision”.<sup>38</sup> The Trial Chamber also decided that the TFV and the CLR1 should carry out consultations on how concretely this measure would be effected.<sup>39</sup>

71. On 13 September 2023, Mr Ntaganda’s counsel informed the TFV, CLR1 and CLR2 of [REDACTED].<sup>40</sup> [REDACTED]. [REDACTED]. [REDACTED].<sup>41</sup> [REDACTED]. [REDACTED].

72. [REDACTED], the TFV informed Mr Ntaganda’s counsel, CLR1 and CLR2 that it envisages a meeting with them to discuss the concrete form of Mr Ntaganda’s voluntary apology

---

<sup>38</sup> First Decision on the DIP, disposition.

<sup>39</sup> Ibid, para. 110.

<sup>40</sup> Email from Defence to the TFV on 13 September 2023 at 18:15.

<sup>41</sup> Ibid.

as well as how it can be transmitted directly to victims. The CLR's requested sufficient time to first consult with their clients before engaging with the TFV at a meeting.

73. The TFV also met separately CLR1 and CLR2 to seek victims' views regarding an apology from Mr Ntaganda and how concretely this measure would be effected. Both CLR1 and CLR2 proposed to submit to the TFV a note on their clients views to be annexed to the present filing. The TFV hereby submits the result of CLR1<sup>42</sup> and CLR2<sup>43</sup> consultations with their clients.

74. Having considered CLR1's wish that a meeting with the Defence be convened only after the submission by way of this filing of Annex A, the TFV will convene a meeting to be held in the coming weeks to further consult with Mr Ntaganda's counsel, CLR1 and CLR2 on the scope of Mr Ntaganda's apology. The TFV will then report about the outcome in the additional filing requested in this submission.

## **7. Lump Sum *in lieu***

75. The Trial Chamber after approving the lump sum *in lieu* as an appropriate reparations measure, instructed the TFV to provide additional information regarding the amount of money it intends to provide as a lump sum *in lieu*, as well as the amount it intends to devote to this aspect of the programme.<sup>44</sup> The TFV had proposed in the DIP to determine the amount of the *in lieu* sum in close consultations with implementing partner(s) before presenting the amount to the Trial Chamber and CLR's.<sup>45</sup>

76. The TFV recalls that the measure of providing a lump sum *in lieu* of socio-economic measures was proposed in the context that many beneficiaries, due to their location outside of Ituri Province, would not be able to access collective reparations due to the impracticality of conducting programming outside of Ituri Province. In the DIP, the TFV also clarified that the lump sum *in lieu* would be a higher amount than the socio-economic starter sum, as it aims at

---

<sup>42</sup> Annex A.

<sup>43</sup> Annex B.

<sup>44</sup> First Decision on the DIP, para. 122.

<sup>45</sup> DIP, para. 201.

addressing the socio-economic measures provided as part of collective reparations.<sup>46</sup> Only the socio-economic measures are envisaged to be compensated by the *in lieu* sum because physical and psychological rehabilitation modalities are dependent on the needs of victims resulting from the crimes falling within the conviction decision as presented in an intake assessment and cannot be quantified.

77. During the consultations, CLR1 has indicated that it was important that the proposed lump sum *in lieu* is determined on the basis of a coherent and justifiable calculation. CLR1 underlined that victims are entitled to reparations and that the lump sum *in lieu* must address the harm suffered and enable them to feel repaired. In any event, CLR1 submitted that the lump sum must be meaningful for the beneficiaries regardless of the place of residence. As stressed above the section on the socio-economic starter sum, the TFV considers that accurate estimates can only be provided closer to implementation, for instance, following selection of an implementing partner for V2AP and the determination of the exact parameters of the sub- programmes. The TFV will take those considerations into account, when assessing over the next months the specific amount of the socio-economic starter sum. As laid out above in paragraph 41, the section on the socio-economic starter sum, the TFV considers that accurate estimates can only be provided closer to implementation, for instance, following the start of the merger process for the FCSP and the development of the scope of work for the V2AP, i.e. in the process of the determination of the exact parameters of the sub- programmes.

78. As such, the TFV submits that it will only be in a position to determine and thereafter communicate confidentially the amount of the lump sum *in lieu* once the above parameters have been clarified and the programme has been fine-tuned closer to the date of implementation.

## **8. Engagement with DRC authorities**

79. In the DIP, the TFV referenced consultations with certain victims who expressed that the Government should first address their basic needs, such as the building of streets and access to water, before they would be able to appropriately benefit from reparations. The Trial Chamber

---

<sup>46</sup> DIP, paras 198-200.

accordingly requested the TFV to present to the Chamber alternate options as to how the reparations programmes would be implemented if it turns out that the DRC Government cannot ensure that the critical infrastructure is in place.<sup>47</sup> Similarly, the TFV should provide further information as to the steps taken to engage with the DRC Government on these issues.

80. Since the submission of the DIP, the TFV has engaged repeatedly with Congolese authorities, both at the national as well as at the provincial level. These authorities were sensitised to the issue of the need to provide for critical infrastructure to enable reparations. The authorities have explained the realities of the conflict, their priorities, and their areas of influence within Ituri Province. Accordingly, considering the current security situation, the likelihood that such infrastructure is in place by the time reparations implementation will start is low. The TFV will continue to raise this matter at upcoming meetings with DRC authorities.

81. The TFV underlines that implementing reparation must remain a dynamic exercise. As much flexibility as feasible is required, including to address the specific needs of victims in certain communities. The TFV will need to react on a case-by-case basis depending on the issues that will concretely arise. One of the measures that may be taken to appropriately address the situation of victims living in remote areas and therefore having difficulties accessing reparations is to provide them with a lump sum *in lieu* of socio-economic measures.

## 9. Persecution and deportation

82. The Trial Chamber directed the TFV to explain in concrete terms how it intends to address the harm of victims of the crimes of persecution, deportation, or forcible transfer of a population.<sup>48</sup>

83. In the Reparations Order, the Trial Chamber recognised that direct victims of the attacks experienced, *inter alia*, material harm, physical injury and trauma, psychological trauma, loss of

---

<sup>47</sup> First Decision on the DIP, para. 160.

<sup>48</sup> First Decision on the DIP, para. 199.



productivity capacity, interruption and loss of schooling and vocational training, exposure to an environment of violence and fear, loss of childhood, and loss of life plan.<sup>49</sup> In the Addendum to the Reparations Order, the Trial Chamber maintained the presumption of physical harm for all victims of the crimes of persecution, forcible transfer and displacement;<sup>50</sup> thus, victims of these crimes who personally experienced the attacks are afforded a presumption of physical and psychological harm.

84. The DIP has been designed to address and respond to the harm suffered by victims of all crimes for which Mr Ntaganda was convicted. This extends to all forms of harm suffered by victims as a consequence of the crimes of persecution, deportation, and forcible transfer. During the consultations, this approach was supported by CLR2, who noted the importance that all Victims of the Attacks are able to access reparations as responsive to their harm.

### **10. Alternative ways of implementation**

85. The Trial Chamber considered alternative ways of implementation for certain modalities of reparations.

#### *Direct payment to education or IGA providers*

86. First the Trial Chamber considered whether the TFV would best pay directly education providers or providers of income-generating activities (IGA).<sup>51</sup>

87. In relation to the direct payment to education providers, the TFV has experience in implementing such direct payments with respect to a much lower number of children of beneficiaries in the *Katanga* case than the number of direct and indirect beneficiaries with schooling support expected in the *Ntaganda* case. To implement this modality in the *Katanga* case, the TFV had to allocate important staffing resources over a long period of time to this matter. While at the start of the *Katanga* case, travel to the many different school locations was still possible for TFV staff, due to the increasingly tense security situation, the TFV had to revert

---

<sup>49</sup> Reparations Order, para. 183.

<sup>50</sup> Addendum to the Reparations Order, para. 267.

<sup>51</sup> First Decision on the DIP, para. 59.

to inviting and, additionally, paying for transport of the many various school administrators to come to Bunia and receive the relevant amounts for schooling of the children in their respective schools.

88. Applying such an approach to the *Ntaganda* case would have consequences on the resources required for implementation of this measures, as they would be higher than providing the beneficiaries with the relevant mobile cash transfer, ideally through an implementing partner.

89. The TFV also recalls that victims have been dealing with the school fees for themselves or for their dependants before reparations were provided and will continue doing so thereafter.

90. In reference to direct payment to IGA providers, the TFV interprets the Trial Chamber as requiring it to identify suppliers of goods or services that victims would need for their IGA's, and to pay them directly. The TFV considers that there are indeed providers in certain countries, including on the African continent, that have set up systems that allow beneficiaries of certain programmes to acquire goods at specific stores, e.g. based on a (phone-)voucher system. To the knowledge of the TFV, such a system is not yet existing in Ituri Province. In addition, the socio-economic rehabilitation component, as set out in the DIP, aims at outcomes that go beyond the mere acquisition of goods, which may easily be re-sold after receipt to enable victims to acquire the cash for other purposes. In the *Lubanga* programme, before providing victims with a cash amount to start the chosen IGA, they generally receive vocational training, and an accompaniment of a socio-economic advisor including in the design of a business plan. Once the cash amount is provided, the way beneficiaries are developing their chosen income-generating activities is monitored.

91. To put such a system in place, the TFV would need to take into account the geographical location of victims, the accessibility of these locations, the security context, the time it takes to comply with ICC procurement provisions and processes in choosing the relevant providers, and additional administrative cost. In addition, the TFV experience in other reparations contexts has been that this way of proceeding does not necessarily provide for the best value for money given many providers of goods in Ituri Province do not meet the minimum standards for such procurements and would not be able to participate in the relevant procurement processes.

*Expense pre-approval or reimbursement procedure*

92. The Trial Chamber encouraged the TFV to consider whether an expense pre-approval or reimbursement procedure would be possible instead of a lump sum in lieu, an allowance for school fees, and any payment under the IGA system as the Trial Chamber considered that this would be preferable to a cash payment.<sup>52</sup>

93. The TFV's assessment of these methods is that an expense pre-approval or reimbursement procedure is not fitting the context of the DRC, and in particular the context of Ituri Province. While the TFV has explored such processes in the past, including during the consultations for the *Ntaganda* DIP, it has realised that receipts produced are of a limited reliability. Examples include receipts that were provided by individuals who did not have the authority to do so and services indicated on such receipts were often were overcharged. Sometimes the authenticity of the receipt itself was doubtful.

94. The TFV has also decided to consult with organisation in Ituri about the use of an expense pre-approval or reimbursement procedure. It has received the first responses by 2 November 2023 and will accordingly report on the full outcome of this inquiry in its next filing.

## **C. INFORMATION ON THE PROGRESS OF OTHER REQUESTS FORMULATED IN THE FIRST DECISION ON THE DIP**

### **1. Security Assessment closer to the time of implementation**

95. The Trial Chamber instructed the TFV to undertake a new security assessment closer to the time of implementation, to ensure that the implementation of reparations can be carried out safely and will not exacerbate the conflict.<sup>53</sup>

96. The TFV wishes to draw the Trial Chamber's attention to the highly volatile security situation in the DRC. The political insecurity around the December presidential elections as well as the possible departure of the MONUSCO from the country create an unpredictable

---

<sup>52</sup> First Decision on the DIP, paras 59, 67, 122.

<sup>53</sup> First Decision on the DIP, para. 145.

environment, that could deteriorate rapidly. Both the volatility and the insecurity of the situation prevent a definitive security assessment from being properly, diligently and safely carried out.

97. The TFV accordingly informs the Trial Chamber that it can conduct a security assessment which will reliably inform about the consequences of the security situation on the operations of the Court and the TFV in Ituri Province only after the elections, and when the conditions of departure of the MONUSCO, which is currently under discussion, are known.

## **2. Consultations and coordination with VPRS and PIOS**

98. Following the First Decision on the DIP and the Trial Chamber's instructions to the TFV, VPRS and PIOS,<sup>54</sup> the TFV, VPRS and PIOS started consultations in relation to outreach, identification and eligibility-related matters for the *Ntaganda* case. As a first step, the TFV met with VPRS to discuss the implications of the First Decision on the DIP.<sup>55</sup> This preliminary discussion was followed by a high-level meeting held on 15 September 2023, called by the TFV Executive Director, at which the Director of the Division of Judicial Services, the Director of the Division of External Operations, VPRS, PIOS and TFV were present. Principles of collaboration, coordination and cooperation, such as flexibility, efficiency, transparency and communication were agreed upon. A clear understanding of the division of the roles and responsibilities, with identification and eligibility in the hands of VPRS, outreach in the hands of PIOS and implementation in the hands of the TFV, was considered essential to avoid any duplication of efforts. The participants also expressed an interest in lessons learned and best practices from the TFV.

99. The TFV shared its lessons learned in relation to identification and verification with VPRS at a first session in October 2023.<sup>56</sup>

100. The TFV also shared a list of key information with VPRS that would ideally be gathered by VPRS when identifying new victims and included in the VAMS database to which the TFV

---

<sup>54</sup> First Decision on the DIP, paras. 77, 184.

<sup>55</sup> Meeting between the TFV and VPRS held on 14 September 2023.

<sup>56</sup> Meeting between the TFV and VPRS held on 23 October 2023.

would have access.<sup>57</sup> The content of this list was based on the lessons learned by the TFV as to what information is required in the particular context of Ituri Province, to enable a seamless take-in of beneficiaries into the programme. The inclusion of this information in a database shared with the TFV would allow for the information to be collected only once, by VPRS, thus preventing the duplication of efforts.

101. The TFV respectfully submits that the consultation process is ongoing at the time of the submission and will continue throughout the reparations implementation. For the coming weeks, the TFV, VPRS and PIOS have planned additional meetings to discuss (i) the messages to be delivered to victims, together with the LRVs, as part of the outreach activities of PIOS, and as instructed by the Chamber;<sup>58</sup> and (ii) the reparation programmes in Ituri, with a view to inform PIOS' and VPRS' upcoming activities in the field.

### **3. Consultations with local actors on most cost effective and timely way to advance the reparations programme**

102. The Trial Chamber instructed the TFV to consult with local actors to determine the most cost effective and timely way to advance the reparations programme.<sup>59</sup> The TFV wishes to recall that such consultations have been carried out in the past to enable the TFV to develop the DIP and have effectively informed the design of the activities proposed by the TFV. The TFV is committed to continue through consultations with different organisations collecting any additional information which may instruct the advancement of the reparations programme.

### **4. Consultations and risk assessment regarding the location and the naming of a centre after Abbé Bwanalonga**

103. The Trial Chamber instructed the TFV to continue to carry out consultations with victims about the proposal to construct a community centre named after Abbé Bwanalonga, to ensure general consensus and avoid tensions.<sup>60</sup> The TFV wishes to inform the Trial Chamber that CLR2

---

<sup>57</sup> Meeting between the TFV and VPRS held on 28 September 2023.

<sup>58</sup> First Decision on the DIP, para. 184.

<sup>59</sup> First Decision on the DIP, para. 191.

<sup>60</sup> First Decision on the DIP, para 87.

provided the TFV with insights on its clients' wishes and concerns as to the location of the centre and has recommended consulting both in Mongbwalu and Gety.<sup>61</sup> The TFV intends to carry out the relevant consultations remotely from Bunia, but will only be able to finalise the conceptualisation of the relevant reparations measures, when the security situation allows it to enter Djugu territory.

**FOR THE FOREGOING REASONS,**

The Trust Fund respectfully requests the Trial Chamber to :

- take note of the presented information ; and
- allow it to submit additional information within 21 days of the notification of the Appeals Chamber's decision on the suspensive effect.

The Trust Fund stands ready to provide further clarifications.



---

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

Dated this 4<sup>th</sup> of March 2024  
At The Hague, The Netherlands

---

<sup>61</sup> Meeting between the TFV and the CLR2, held on 5 October 2023.