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TRIAL CHAMBER II

Before: Judge Marc Perrin de Brichambaut, Presiding
Judge Olga Herrera Carbuccion
Judge Péter Kovács

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. THOMAS LUBANGA DYILO***

**Public document
Information regarding Collective Reparations
with**

**Three public annexes, one confidential annex, and one confidential ex-parte annex
available to Trial Chamber II only**

Source: Trust Fund for Victims

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

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I. Procedural History

1. On 3 March 2015, the Appeals Chamber issued its judgment concerning the "Decision establishing the principles and procedures to be applied to reparations" (the "3 March 2015 Reparations Judgment")¹, together with the "Amended order for reparations" (the "3 March 2015 Reparations Order"), appended as an annex thereto².
2. On 3 November 2015, having previously granted a request for an extension of time, the Trust Fund for Victims (hereinafter "the Trust Fund"), submitted the "Filing on Reparations and Draft Implementation Plan" (the "Draft Implementation Plan")³.
3. On 18 December 2015, the Ligue pour la Paix, les Droits de l'Homme et la Justice⁴, as well as the Prosecutor⁵ submitted observations on the Draft Implementation Plan to the Trial Chamber.
4. On 1 February 2016, the Legal Representatives of Victims V01⁶ and V02⁷, the Office of Public Counsel for Victims (the "OPCV")⁸ and the Defence⁹ filed their observations on the Draft Implementation Plan.
5. On 9 February 2016, the Trial Chamber issued the "Order instructing the Trust Fund for Victims to supplement the draft implementation plan" (the "9

¹ ICC-01/04-01/06-3129 and its annexes.

² ICC-01/04-01/06-3129-AnxA.

³ ICC-01/04-01/06-3177-Red.

⁴ "Observations de la Ligue pour la Paix, les Droits de l'Homme et la Justice (LIPADHOJ) sur le projet de plan mise en oeuvre depose par le Fonds au profit des victimes en date du 3 novembre 2015, " 17 December 2015 and registered in the record of the case on 18 December 2015, ICC-01/04-01/06-3187.

⁵ "Prosecution's observations on the Trust for Victims' Filing on Reparations and Draft Implementation Plan", 18 December 2015, ICC-01/04-01/06-3186.

⁶ "Observations du groupe de victimes V01 sur le projet de plan de mise en oeuvre des reparations depose par le Fonds au profit des victimes ICC-01/04-01/06-3177", 1 February 2016, ICC-01/04-01/06-3194.

⁷ "Observations de l'equipe V02 sur le projet de plan de mise en oeuvre de reparations depose par le Fonds au profit des victimes (TFV) le 03 novembre 2015 devant la Chambre d'instance II", 1 February 2016, ICC-01/04-01/06-3195.

⁸ "Observations sur le Projet de mise en oeuvre des reparations depose par le Fonds au profit des victimes le 3 novembre 2015", 1 February 2016, ICC-01/04-01/06-3193.

⁹ Version publique expurgee des « Observations de la Defense de M. Thomas Lubanga relatives au « Filing on Reparations and Draft Implementation Plan », Lubanga relatives au « Filing on Reparations and Draft Implementation Plan », 2 February 2016, ICC-01/04-01/06-3196-Red2.

February 2016 Order"),¹⁰ in which the Chamber, *inter alia*, considered that the Trust Fund's proposals submitted in the Draft Implementation Plan were "in line with the modalities of reparations ordered by the Appeals Chamber".¹¹ However, lacking concrete information regarding the particularities of the proposed programmes, the Chamber instructed the TFV, *inter alia*, to "propose [...] a set of collective reparation programmes as ordered by the Appeals Chamber".¹² The Chamber also expressed its willingness "to examine any programmes the TFV deems useful to present to it".¹³

6. On 7 June 2016, the Trust Fund submitted additional information¹⁴.
7. On 1 July 2016 and in accordance with the Trial Chamber's decision issued on 14 June 2016¹⁵, the OPCV¹⁶, the legal representatives for victims¹⁷ and the Defence¹⁸ presented their responses.
8. On 15 July 2016, the Trial Chamber issued the "Request Concerning the Feasibility of Applying Symbolic Collective Reparations",¹⁹ in which it requested the Trust Fund to study the feasibility of developing a concrete project aiming at providing prompt symbolic reparations.
9. On 16 September 2016, the OPCV filed a request informing the Chamber of developments since the Order of 15 July 2016 and seeking its guidance on matters including the arrangements for identifying potential beneficiaries of reparations²⁰.

¹⁰ ICC-01/04-01/06-3198-tENG.

¹¹ ICC-01/04-01/06-3198-tENG, para. 20.

¹² ICC-01/04-01/06-3198-tENG, paras 20-21.

¹³ ICC-01/04-01/06-3198-tENG, para. 22.

¹⁴ "Additional Programme Information Filing", ICC-01/04-01/06-3209.

¹⁵ ICC-01/04-01/06-3210.

¹⁶ ICC-01/04-01/06-3212.

¹⁷ ICC-01/04-01/06-3213 (team V01) and ICC-01/04-01/06-3214 (team V02).

¹⁸ ICC-01/04-01/06-3211-Corr.

¹⁹ ICC-01/04-01/06-3219.

²⁰ "Requête afin de solliciter des lignes directrices de la Chambre suite à l'Ordonnance émise le 15 juillet 2016", 16 September 2016, ICC-01/04-01/06-3222.

10. On 19 September 2016, the Trust Fund submitted the "Filing regarding symbolic collective reparations projects with Confidential Annex: Draft Request for Proposals, ICC-01/04-01/06-3223-Conf"²¹.
11. On 3 October 2016, in response to the OPCV's submission of 16 September 2016, the Trust Fund submitted observations, "Observations on the "Requête afin de solliciter des lignes directrices de la Chambre suite à l'Ordonnance émise le 15 juillet 2016"²².
12. On 11 and 13 October 2016, the Trial Chamber convened a set of public hearings in the presence of the parties, the Trust Fund and a number of non-governmental organizations²³.
13. On 21 October 2016, the Trial Chamber issued the "Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparations"²⁴.
14. Also on 21 October 2016, the Trial Chamber, having received observations, *inter alia* from the Trust Fund, the parties and other participants of the case, issued the "Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016"²⁵, instructing the Trust Fund to continue the victims identification process and authorizing the OPCV to continue the victims identification process.
15. On 8 December 2016, the Trial Chamber issued the "Order instructing the Trust Fund for Victims to Submit Information regarding Collective Reparations"²⁶ (hereinafter "the 8 December 2016 Order"). In the order, the Trial Chamber requests the Trust Fund to submit "*concrete and sufficient information on the projects for collective reparations envisaged by the TFV in terms of*

²¹ ICC-01/04-01/06-3223-Conf and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx); a Public redacted version has also been filed in the record of the case: (ICC-01/04-01/06-3223-Red) and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx).

²² ICC-01/04-01/06-3237.

²³ "Order on the conduct of the hearing to be held on 11 and 13 October 2016", 6 October 2016, ICC- 01/04-01/06-3245-tENG.

²⁴ ICC-01/04-01/06-3251.

²⁵ ICC-01/04-01/06-3252-tENG.

²⁶ ICC-01/04-01/06-3262.

time frame, project components, method of implementation, draft proposals, similar in structure and level of detail to the 19 September 2016 Filing concerning symbolic reparations. Furthermore, the Chamber requests a more thorough description of the contents and potential timing of the entire process, namely the two-stage process for collective reparations mentioned by the Executive Director of the TFV²⁷ in the course of the October 2016 public hearings on reparations.

II. Background

16. On 13 October 2016, in his remarks at the public hearing on collective reparations convened by the Trial Chamber, the Executive Director of the Trust Fund cited the Trust Fund's project framework for symbolic reparations as concrete example of how to proceed from a draft implementation plan to actual reparation awards. In particular, he explained that in addition to a Draft Implementation Plan, a further detailed project framework including objectives, outcomes, and necessary activities would be developed by the Trust Fund, for a second review and approval by a Trial Chamber. Once approved, this framework will then be the subject of a call for proposals, to be submitted by locally established services providers. The resulting project proposals will provide further details to the project framework, based on the applicants' knowledge, experience, and local standing. Successful applications may be further refined by the Trust Fund in order to ensure compliance with the approved detailed project framework. The resulting projects will then require the review and approval by the Trust Fund's Board of Directors, prior to being reported to the Trial Chamber.

17. In line with this approach and as requested by the Trial Chamber, the Trust Fund in this submission presents to the Trial Chamber the detailed project framework for collective, service-based reparations, building on the draft implementation plan submitted on 3 November 2015, as well as on further

²⁷ Ibid, at para. 13.

insights gained and information gathered by the Trust Fund in the meantime. In particular, the Trust Fund has undertaken further research to investigate what institutional infrastructure and capacities do or do not exist in Ituri that may be relevant for the implementation of service-based reparations in this case.

18. In making this submission, the Trust Fund endeavours to provide the Trial Chamber with the relevant background that has informed the design of the proposed project framework. This framework is formulated so that it can be the foundation for an international competitive bidding procedure, inviting technical and financial proposals from qualified service providers in accordance with the Court's applicable rules and regulations.
19. As in the submission on symbolic reparations of 19 September 2016²⁸, the project framework for collective service-based reparations described in this filing is accompanied by an annex containing a draft Scope of Work (SOW), which will be the central element of the eventual Request for Proposals (RFP). The SOW is to inform the prospective bidders of the detailed project framework as eventually approved by the Trial Chamber. At this stage, the SOW is submitted as purely illustrative and does in no way pre-empt or prejudice any review or decision by the Trial Chamber.
20. The Trust Fund wishes to inform the Trial Chamber of its willingness and commitment to provide any further information in relation to this submission that the Trial Chamber deems necessary. Further, the Trust Fund shall regularly update the Trial Chamber of developments so that it may fulfil its responsibility of oversight and monitoring throughout. Reporting, in the form of progress updates in accordance with regulation 58 of the Regulations of the Trust Fund, shall comprise the following elements: (i) reporting on process milestones, such as on the selection of the implementing partner(s) as

²⁸ ICC-01/04-01/06-3223-Conf and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx); a Public redacted version has also been filed in the record of the case: (ICC-01/04-01/06-3223-Red) and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx).

approved by the Trust Fund Board of Directors, following the RFP procedure indicated in the preceding paragraph and described in more detail in section VI of this filing; (ii) bi-annual reporting on progress made during the implementation of the service-based collective reparations awards, based on progress reports and results achieved received by the Trust Fund from the implementing partner(s); and (iii) at the end of the project implementation period, a final financial and narrative report.

21. The Trust Fund recalls that its prior inability, reported to the Trial Chamber on 7 June 2016²⁹, to develop a detailed project framework was informed by the fact that to do so would not be feasible on the premise of detailed information on harm suffered, available from only a very limited number of victims deemed to be eligible for reparations. The present project framework is therefore premised on the broader, more detailed and much more inclusive knowledge about victims' harm in general, available from the judicial proceedings in this case and from the Trust Fund's undertakings to develop the Draft Implementation Plan.
22. Prior to the presentation of a detailed project framework in this filing, the Trust Fund addresses the prevailing programmatic uncertainties, as well as the related assumptions, risks and mitigation measures, which will be guiding for the ensuing detailed project framework. Furthermore, the Trust Fund will give more detailed information on its approach and method, including how it intends to integrate service-based and symbolic reparations awards, elaborate on financial considerations, organization of work, and, most importantly, elaborate on the proposed programmatic framework and its components of physical and psychological rehabilitation and material support by outlining proposed programme elements in detail. Further, the Trust Fund will provide information on the anticipated timeline of the procurement procedure to select

²⁹ "Additional Programme Information Filing", ICC-01/04-01/06-3209.

the appropriate implementing partner(s) as well as the anticipated timeline for the implementation of the awards.

23. The Trust Fund notes that in the development of the detailed project framework and draft SOW, the Trust Fund endeavoured to ensure responsiveness of the proposed project framework to the jurisprudence in this case as outlined in the procedural history above, including in particular the Appeals Chamber decisions³⁰ and the orders of the Trial Chamber³¹; the Trust Fund's earlier submissions³² and its presentation at the public hearing; and to account for input received from the various stakeholders in the case, including the parties of the case and the victims and their communities. Wherever relevant, the Trust Fund will in the following cite and/or refer to these documents and processes.

24. The Trust Fund would further like to note that it has developed the project framework for collective service-based reparations in consideration of its own formal strategic and operational framework and in particular the Trust Fund's Strategic Plan 2014-2017³³. Accordingly, the proposed project framework as presented in this submission is to be considered in conjunction with the intermediate results and results indicators developed in the Trust Fund's Performance Monitoring Plan, part of the Trust Fund's Strategic Plan 2014-2017, which shall guide the selected implementing partner's reporting on progress and results. In developing the RFP, the Trust Fund also adhered to the general principles guiding the Trust Fund's work, including importance of applying a victim and gender sensitive approach and the principle of "do no

³⁰ *i.e.* the 3 March 2015 Reparations Judgment and Reparations Order, ICC-01/04-01/06-3129 and its annexes.

³¹ *e.g.* the 9 February Order, ICC-01/04-01/06-3198-tENG; the 21 October 2016 Order, ICC-01/04-01/06-3251; the 8 December 2016 Order, ICC-01/04-01/06-3262; as well as other relevant orders and decisions.

³² *E.g.* the Draft Implementation Plan, ICC-01/04-01/06-3177-Red.; the submission of 7 June 2016, "Additional Programme Information Filing", ICC-01/04-01/06-3209; the Trust Fund's submission of 19 September 2016, *i.e.* the Trust Fund's symbolic reparations submission ICC-01/04-01/06-3219; as well as other relevant submissions.

³³ For the 2014-2017 Trust Fund Strategic Plan *See*

http://www.trustfundforvictims.org/sites/default/files/media_library/documents/pdf/TFV_Strategic_Plan_2014_2017_approved.pdf

harm". Finally, the filing considers the generic list of priority risks developed and managed by the Trust Fund as part of its Strategic Plan.

25. The Trust Fund hopes that by providing the Trial Chamber with the requested, additional information the Trial Chamber will have sufficient detail to approve the implementation of service-based collective reparation awards without further delay, similar to when it approved the Trust Fund's proposal for symbolic reparation awards. In doing so, service-based reparation awards will become a tangible reality for the victims in this case and maintain the integrity of the reparations programme by confirming and ensuring the close correlation between symbolic and service based awards.

III. Classification of the present submission

26. The Trust Fund has classified the present filing and attached annex confidential pursuant to regulation 23 bis (1) of the Regulations of the Court due to the preliminary and currently unapproved nature of the project proposals made herein and the need to avoid inappropriately raising expectations as to the details of any proposed project components. The Trust Fund will also file a public redacted version of this submission.

IV. Uncertainties, assumptions, risks and mitigation measures

27. The Trust Fund notes that certain legal and operational issues that form necessary prerequisites for a realistic scope of work have not yet been finally determined at the present stage. Accounting for these uncertainties, the Trust Fund has sought to develop assumptions and identify a number of specific associated risks that in the Trust Fund's assessment exist at the present stage. These risks are in part linked to the possibility of the assumptions being inaccurate; other risks are inherent risks linked to planning any reparations

programme in Ituri, independent of the question of the case-specific uncertainties and assumptions.

28. Risk mitigation is proposed on the basis of the Trust Funds core competencies of programme development and implementation. In doing so, the Trust Fund seeks to ensure that the proposed detailed project framework for the service-based reparation awards components, which builds upon the Trust Fund's Draft Implementation Plan and its comprehensive programming logic, provides a sufficiently secure foundation to bidders for developing their proposals and will sufficiently guide the successful eventual implementation of the awards.

29. The Trust Fund identifies four areas where, in the particular context of the present proceedings, uncertainties exist at the present stage that need to be met with assumptions, which in turn may give rise to specific risks linked to the implementation of a service-based reparation programme. These areas of uncertainty are:

- Numerical scope and geographic emphasis relevant to implementation of awards;
- Managing intake and placement of eligible victims, including the role of implementing partners;
- Existing service delivery structure and capacity in Ituri; and
- Correlating symbolic and service-based reparations awards.

Numerical scope and geographic emphasis relevant to implementation of awards

Uncertainties in numbers and locations

30. The Trust Fund notes that there is uncertainty pertaining to the number of (direct and indirect) eligible victims that will *de facto* participate in the service

based reparations awards and the locations or geographic centres that are most relevant to the implementation of the awards. The Trust Fund submits that the data on eligible victims available to the Court and the Trust Fund continues to be incomplete, both in terms of victim number and also in terms of where these victims are exactly located at present and hence, where service-based reparation programmes are most logically located.

31. This programmatic uncertainty is informed by the current procedural situation. The Trust Fund notes that a response to its request for reconsideration on the victim identification and assessment process resulting from the Trial Chamber's Order of 9 February 2016 remains pending. However, as argued previously, e.g. in the Trust Fund's filing of 7 June 2016³⁴, the procedural approach adopted by the Trial Chamber may have implications for the number and location of eligible victims.

32. Following the Trial Chamber's "Order relating to the request of the Office of Public Counsel for Victims of 16 September 2016³⁵", instructing the Trust Fund to continue the victims identification process and authorizing the OPCV to continue the victims identification process, there are two parallel processes to identify/screen unknown victims on-going at present. The Trust Fund wishes to inform the Trial Chamber that in preparation of this submission it has assessed and relied upon information collected in these processes, in particular with regards to victims' priorities as to what kind of service-based awards may be useful and relevant to them.

Assumption on numbers and locations

33. Knowledge about the number of eligible victims and their location is an important prerequisite for developing a realistic Scope of Work – any potential

³⁴ "Additional Programme Information Filing", ICC-01/04-01/06-3209.

³⁵ ICC-01/04-01/06-3252-tENG.

bidder will need to have this information in order to submit a realistic proposal.

34. For the purpose of the present submission, i.e. to develop a programmatic framework, and without prejudice to the Trial Chamber's determination or any different factual outcome from a victims intake and screening process at the implementation stage, the Trust Fund, for planning purposes, continues to use the number of 3000 potentially eligible direct and indirect victims that may benefit from the proposed service-based programmes, i.e. the same number estimated in its Draft Implementation Plan of 3 November 2015.
35. The Trust Fund observes that there are two dimensions to the geographic scope of the present reparation proceedings: harm-based eligibility, and whereabouts. Firstly, the geographic scope will be a factor in determining eligibility – has the harm occurred at a location that falls within the geographic scope? Secondly, there is geographic dimension to the implementation of service-based awards – where should these services be located in order to best reach eligible victims? The Appeals Chamber clarified the first dimension of geographic scope, namely that the Trial Chamber had exhaustively determined the geographic scope in that the relevant locations where the harm occurred that gives rise to eligibility have been identified either in the Conviction Decision or in the testimony of the witnesses listed in the second sentence of paragraph 915 of the Conviction Decision³⁶. The second dimension, i.e. where implementing partners/potential bidders should plan the location of service-based activities has a different scope. This dimension is to consider where the victims reside *at present*, because the geographic scope of service delivery is determined by where eligible victims may actually access and benefit from services. Based on its research and consultations in the field, the Trust Fund considers that victims live all over Ituri at present, both in towns and small villages.

³⁶ Appeals Chamber Judgment on Reparations, at para. 226.

36. The Trust Fund notes that in terms of determining where services will be provided and/or concentrated, it will seek to assess the outcome of the bidding process to verify whether project proposals will target as a matter of priority important local centres where many potentially eligible victims are concentrated. The Trust Fund will be inviting prospective bidders to explore how to include victims that live away from such geographic centres in more isolated locations, so they may have access to service-based reparation awards to the extent possible and *de facto* benefit from the service-based reparation awards.

Risks

37. The primary risk of the numerical assumption is that it turns out to be incorrect during implementation. In addition, the Trust Fund considers that there is a risk that the scope, both in numerical terms (i.e. overall number) and in geographic terms (i.e. locations), may be affected by contextual factors. For instance, one such scenario could be that a significant portion of victims, even though potentially eligible, once implementation actually starts may turn out to be reluctant to come forward to seek access to reparation services due to adverse community or family pressures or other factors. Or, on the contrary, it could turn out that a much higher number of victims than initially anticipated will come forward to participate. Further, an adverse security situation may negatively affect both victim participation and the ability of the Trust Fund's implementing partner(s) to work in certain locations.

Strategy to mitigate the identified risks

38. In order to minimize that any risks related to the assumption on scope (numerical and geographic) materialize, the Trust Fund has sought to critically assess all relevant and reliable information that it could gather in

preparation for this submission, including by seeking information from its partners in the field. This critical reassessment of available information has prompted the Trust Fund to propose in the present submission as numerical scope again the number of 3000 potentially eligible direct and indirect victims, as already put forward in the Draft Implementation Plan. Furthermore, the Trust Fund has made inquiries with the OPCV, requesting shareable information about OPCV's victim identification missions and the resulting insights, as relevant to the present submission. With regards to the geographic locations where service based reparations could take place, the Trust Fund has held internal consultations and decided to keep the programmatic framework flexible at this stage so that priority locations could be defined at a later stage to allow for a tailored response during the implementation process.

39. In order to mitigate the risk that the numerical and geographical scope underlying the programmatic framework needs to be revisited, the Trust Fund proposes a two-pronged strategic approach, depending on the time when the risk materializes.
40. In case that the assumption underlying the present submission is invalidated in the judicial process before the RFP is published, the Trust Fund proposes to simply adjust the programmatic framework and the SOW accordingly. This may also extend to the relative allocation of financial resources to the different types of service-based reparations, as well as the total financial complement of the Trust Fund to the payment of reparations awards in this case.³⁷
41. In case that the risk becomes apparent only at the implementation stage, i.e. that the scope and direction of the projects do no longer match the expectations that existed at the time of the publication of the RFP (e.g. because significantly less or more victims come forward; or e.g. because victims only come forward in certain locations whilst not coming forward in other

³⁷ The Trust Fund notes in this context that service provision often involves an element of “economies of scale” – for example, providing literacy training for groups of three, 30 or 300 students may involve significantly different costs per student, depending on the size of the group, because the initial costs for the class room and the teach may be similar, no matter whether the class is small or ten (or one hundred) times bigger.

locations), the Trust Fund proposes to address this possibility already upfront, i.e. by accounting for it in the contracts that it will conclude with bidders/implementing partners. In particular, the Trust Fund intends to conclude the contracts with the bidders/implementing partners in such a way that the Trust Fund can adjust the deliverables at the implementation stage and, if necessary, also reallocate or even reduce funding. Reflecting the need for flexibility on a contractual level should be made easier by the fact that the envisaged implementation will take place over three years whilst the Trust Fund may choose to initially conclude separate annual contracts (with expectation of renewal) rather than just one contract for the full implementation period.

Managing intake and placement of eligible victims, including the role of implementing partners

Uncertainties related to victims' intake and placement

42. Closely related to the uncertainty pertaining to the *de facto* scope of the reparations programme is the question of how, during the implementation of the awards, the intake and placement of new to be identified eligible victims will be managed, including which role implementing partners of the Trust Fund will play in this regard.
43. From a project perspective, it will be important for implementing partners to be able to plan ahead an efficient and effective intake and placement of (groups of) eligible victims. The implementing partner will have to ensure that participating eligible victims receive services in a timely fashion and that eligible victims are placed in the parts of the programme that provide response to the victims' needs arising from harms suffered. This requires the implementing partner to have infrastructure and capacity in place that corresponds to the requirements of victims at the time when they seek to access the service(s).

44. The Trust Fund observes that at present there is no clarity on the victim identification process during the implementation of awards, i.e. uncertainty remains firstly, as to who will carry out the eligibility screening and secondly, at what point in time will victims be declared eligible under the recognized criteria. Both these questions are of consequence for programme planning. With respect the Trust Fund recalls that the Trial Chamber may direct the Trust Fund to oversee the screening of victims at the point of implementation in collaboration with our implementing partners in an administrative procedure at the point of intake into the service-based projects, i.e. at the implementation stage.

Assumptions related to intake and placement

45. For the purpose of this submission, i.e. for developing a more detailed programme framework, the Trust Fund assumes that the eligible victims will not be definitely known/ exhaustively identified at the time of the approval of the detailed project framework. While some may already be known (i.e. those that have undergone the currently on-going victims identification process), others are assumed to be screened by the Trust Fund in an administrative process that follows the eligibility criteria set down by the Appeals Chamber, and in accordance with the Trust Fund's Regulations, as explained in more detail below. Under this assumption, the prospective bidders will be required to a) include in their proposal an estimate of costs for this intake process in which they will participate under the supervision of the Trust Fund and, as appropriate, with input from the OPCV and the Legal Representatives of Victims, under the overall oversight of the Trial Chamber and b) design a project management cycle allowing for the phased intake of (groups of) eligible victims.

Risks

46. The primary risk in this context is that the Trial Chamber opts for a different and/or more restrictive procedural approach of identifying eligible victims during the implementation of the awards. The Trust Fund notes that the risk of how intake and screening take place is directly linked to the above-discussed risk related to the numerical and geographic scale of these reparation awards.

Strategy to mitigate the identified risks

47. The Trust Fund is committed to jointly work with the Trial Chamber on establishing the criteria for screening (e.g. by jointly developing a screening questionnaire) and developing a mechanism that allows for sufficient judicial oversight of the Trial Chamber, so that the proposed screening process satisfies the Trial Chamber and the equality of arms between the parties in this case.

48. The Trust Fund recalls that it has described to the Trial Chamber in detail how it envisions performing such an administrative screening and intake process, including the respective roles of the Trust Fund, the Trial Chamber, and other stakeholders and a discussion of the question at what stage the process could be challenged by the parties to the case in its “Observations on the “Requête afin de solliciter des lignes directrices de la Chambre suite à l’Ordonnance émise le 15 juillet 2016”, ICC-01/04-01/06-3237, of 3 October 2016³⁸.

49. In particular, the Trust Fund submitted that the Trust Fund envisions an administrative screening process for collective reparations awards to be modelled, with certain modifications, on the procedure laid out in regulations 60-65 of the Regulations of the Trust Fund pertaining to individual awards. Providing additional detail to this assertion, the Trust Fund stated that it

³⁸ See “Observations on the “Requête afin de solliciter des lignes directrices de la Chambre suite à l’Ordonnance émise le 15 juillet 2016”, ICC-01/04-01/06-3237, of 3 October 2016 at paras. 24-33.

would carry out an exhaustive training on the applicable legal criteria with all of its implementing partners and that the Trust Fund was to retain complete oversight and ultimate responsibility over the application of screening criteria in this process. The Trust Fund confirmed that there would be no potential beneficiary screening without the presence of Trust Fund Secretariat staff and that the Trust Fund would provide the Trial Chamber with regular progress reports so that it can monitor and exercise oversight to ensure that the Trust Fund and its partners are properly applying the criteria set out in the amended order. The Trust Fund also underlined its readiness to consult with the Trial Chamber on the specific information to be included in the reports and that it would promptly revert to the Trial Chamber for guidance regarding any potentially unclear aspect of the legal criteria for eligibility that it may encounter in this process³⁹.

50. Regarding the question of whether a verification process of each individual beneficiary by its Board of Directors (as provided for under regulations 63 and 64 for individual reparations awards) should be done in the context of collective reparations, the Trust Fund argued that such individual verification would not be appropriate or operationally feasible for collective reparation awards. The Trust Fund also noted that the administrative procedure adopted by the States Parties in the Regulations of the Trust Fund does not include the involvement of legal support to potential beneficiaries at the implementation stage of reparations. The Trust Fund considered that regardless of this legislative choice, there may still be a need for legal advice and support to any potential beneficiaries, concerning their general right to reparations and in particular to those who may not pass the Trust Fund's administrative screening. The Trust Fund proposed that this could be achieved through an administrative appeals process whereby the Trust Fund Board of Directors shall establish and be advised by an independent review panel regarding these cases and the Trust Fund would keep the Trial Chamber fully apprised

³⁹ Ibid, at para. 29-31.

of this review process and its outcomes as part of its regular implementation reports.⁴⁰

Existing service delivery structure and capacity in Ituri

Uncertainties related to delivery structure and capacity in Ituri

51. The Trust Fund considers that, from an operational perspective, it is important to have detailed and reliable information on what structures/infrastructure and capacity already exist in Ituri that prospective bidders can build on and incorporate in their proposals. It should be noted that the existence of infrastructure/capacity must be distinguished from the question of in how far it can be used in the context of reparations: the Trust Fund and potential bidders/implementing partners may not be able to secure access to existing infrastructure/capacity in all cases.

Assumptions related to delivery structure and capacity in Ituri

52. Awareness of the existing service delivery capacity and infrastructure in Ituri is a benefit to the quality of the detailed project framework as well as of the outcome of the ensuing tender procedure. The Trust Fund considers that it should not use scarce resources to engage in building infrastructure, such as schools and hospitals, of which it cannot guarantee the sustainability beyond the timeframe of the reparations programme – and which in any event should rather be thought of as being the responsibility of the host country. Using existing capacities and delivery structure may save costs, ensure sustainability and will keep the focus on the reparation objectives as identified by the Appeals Chamber. This notwithstanding, the Trust Fund is also aware that certain capacities and infrastructure relevant for achieving the reparation

⁴⁰ Ibid, at para. 32.

objectives may not exist or, if it does, may not be easily or automatically incorporated in the implementation process.

Risks

53. The Trust Fund considers that there is a risk that there may be limited infrastructure and existing capacity available in Ituri to implement reparation services proposed in the detailed project framework. Moreover, the Trust Fund considers that even if the required capacity and infrastructure exist, they may not be easily or automatically accessible in the context of reparations e.g. for political or technical reasons.

Strategy to mitigate the identified risk

54. Because the Trust Fund considers the question of existing delivery structure and capacity of key importance for realistically proposing effective service delivery, the Trust Fund has undertaken an additional field research in this regard which it presents to the Trial Chamber in this submission (see annexes D1 and D2). These research results are indicative and non-exhaustive. Yet, they allow for a valuable appreciation of the existing situation and should serve as an important foundation for the development of appropriate narrative and financial projects in the international competitive bidding procedure.

55. The Trust Fund notes that if necessary, e.g. in the case of services where no sufficient capacity exists in Ituri, expertise can be brought from the outside and/or built as part of the programme.

56. Building on the experience of delivering assistance to victims under its assistance mandate, the Trust Fund is already engaged in a close dialogue with authorities in charge of infrastructure in Ituri and will seek to convince them to actively support and participate in the reparations programme.

57. The Trust Fund notes that the possible use of existing capacity/infrastructure will directly impact on the costs of the programme and hence needs to be considered when allocating funds to the individual cost drivers of the programme. The Trust Fund intends to enable adjustments in the programme planning, as appropriate, e.g. by including optional language into the contract with bidders/implementing partners.

Correlating symbolic and service-based reparations awards

Uncertainties related correlating symbolic and service-based reparations awards

58. The Trust Fund recalls that it has emphasised the need to preserve the integrity of the reparations programme, which is closely tied to transparent and effective communication with, and involvement of, the victims and affected communities. First steps have been undertaken to implement a programme related to symbolic reparations and in the coming months this implementation of symbolic reparations will become a tangible reality for the victims and their communities in Ituri, ahead of the eventual implementation of the service-based awards

Assumptions related to correlating symbolic and service-based reparations awards

59. The Trust Fund recalls that it has already submitted its thoughts and assumptions on the correlation between symbolic and service based reparations that the implementation of symbolic reparations "paves the way for the social acceptance of reparations awards in the affected communities, and it creates a safe environment for victims to come forward and voluntarily participate in the service- based collective awards without undue fear for their safety or reputation"⁴¹. The Trust Fund had also submitted that the proposed symbolic reparations project "provide for an enabling environment to develop

⁴¹ ICC-01/04-01/06-T-368-Red-ENG WT, p. 17, lines 24-25, p. 18, lines 1-2.

and implement service-based collective reparations awards".⁴² The Trust Fund also notes that the Trial Chamber has affirmed its agreement with these assumptions in its order of 21 September 2016.⁴³

Risks

60. If the starting dates of the implementation of symbolic reparations and the implementation of service-based are too far apart, there is a risk that their positive correlation described above may be weakened or undermined. The integrity of the reparations programme also hinges on support of victims and their communities to the reparations process and the willingness of those community members who cannot benefit from the service-based awards because they are ineligible, not to negatively act against eligible victims e.g. in form of discrimination or preventing participation. In the Trust Fund's assessment, much of the "buy-in" of victims and their communities into the reparations programme will depend on a successful communication strategy that also underlines the symbolic dimension of reparations in general, *including* that of service-based reparations. Communication must be swiftly followed/ accompanied by concrete measures delivering to the victims what they have been promised and expect. Any confusion, delay or perception of lack of transparency or fairness may risk to cause frustration and so to undermine the positive correlation between the symbolic and the service-based components of the reparations programme.

Strategy to mitigate the identified risk

61. In the Trust Fund's assessment, the risks outlined above can best be mitigated if all stakeholders, including the Trust Fund, the Trial Chamber, the parties to the case and other participants, are mindful of the potential risk of diminished

⁴² ICC-01/04-01/06-T-368-Red-ENG WT, p. 18, lines 15-17.

⁴³ See order, para. 12.

integrity of the reparations programme and stress the importance of upholding and strengthening it. The Trust Fund is committed to proactively address any challenges that could jeopardize integrity of reparations as a matter of priority and as soon as they arise; to develop a solid communications strategy; and maintain close contact with other stakeholders and implementing partners throughout the process, offering information-sharing support and guidance when needed. The Trust Fund will further continue to reflect on the symbolic dimension of reparations in general (both symbolic and service-based) and seek ways to strengthen and communicate it during the implementation of reparation awards.

Priority risks identified in the Trust Fund's Risk Management Framework

62. The detailed project framework for service based awards was developed mindful of the need to mitigate the relevant priority risks identified in the Trust Fund's formal Risk Management Framework, part of the Trust Fund's Strategic Plan 2014-2017. The Trust Fund's Risk Management Framework addresses *inter alia* risks associated with the local security conditions for operations, staff, implementing partners, and victim beneficiaries; the selection of implementing partner(s); (in)appropriate programme development; the relationship between the Trust Fund and the Court; insufficient staff capacity; and risks associated with unclear communication in relation to mandates and programmes.
63. Next to the case-specific programming uncertainties developed above, alongside their respective assumptions, risks and mitigation measures, the Trust Fund discusses those "priority risks", i.e. generic types of risk that the Trust Fund has identified within its formal risk management framework, that it deems relevant and applicable to the present filing.
64. The Trust Fund's formal risk management framework, including the identification of priority risks, was developed in 2014 to accompany the Trust

Fund Strategic Plan 2014-2017. This process included consultations with and inputs from key stakeholders from across the Court. The framework is geared to both the Trust Fund's reparations and assistance mandate as defined by the Assembly of States Parties. While some of the Trust Fund's priority risks are clearly a matter of shared concern between the Trust Fund and the Court, the Trust Fund's priority risks do not presume to necessarily coincide with the Court's own risk assumptions. The Trust Fund understands the Court's own risk framework to be separate and in the process of being finalized.

65. The priority risks in the Trust Fund's assessment that may be applicable in the present context include: 1) risks related to security; 2) risks related to insufficient funding; 3) risks affecting the credibility due to the implementing partner (i.e. that actions of the implementing partner may result in tarnishing the credibility and reputation of the Trust Fund); and 4) risks resulting from inappropriate programming activities. Annex C provides an overview of these risks as well as proposed control and/or mitigation measures.

V. Proposed Approach and Method

Integration of service-based and symbolic reparations awards

66. For the development of a detailed project framework for the service-based components of the collective reparations awards programme, the Trust Fund has taken into account the relevant judicial decisions, from the Appeals Chamber's Judgment and Amended Reparations Order onwards, as well the Trust Fund's own submissions during these proceedings, including the Draft Implementation Plan of November 2015, the approved project framework for symbolic reparations as well as its submissions during the public hearings in October 2016.
67. With a view to maintain the conceptual and operational integrity of the comprehensive collective reparations awards programme, the Trust Fund is

presenting below the detailed project framework for the service-based components in conjunction with the already approved framework for symbolic reparations. This connection is illustrative of the importance of community acceptance and support of the collective reparations awards with regards to the eventual level of participation of participating direct and indirect victims in the service-based awards and their satisfaction with these services.

68. It will therefore be important that the two components are implemented in parallel as much as possible, thus effectively establishing the programmatic integrity, perceived as well as demonstrated, to be meaningful towards achievement of the purpose of collective reparations in this case.

Allocation of available resources from the Trust Fund's complement

69. The Trust Fund considers that the currently available information either confirms or does not invalidate the assumptions made in the Draft Implementation Plan. The Trust Fund therefore maintains the indicated programme implementation period of three years as well as the indicated amount of €1 million from its reparations reserve as its complement to the payment of collective reparations awards.

70. From the complement, the Trust Fund has already allocated the equivalent of €100,000 to the contracting of services in support of victim identification and harm assessment and €170,000 to the implementation of the symbolic reparations component. The amount of €730,000 remains for the implementation of the service-based components of the collective reparations programme.

71. In determining the allocation of available resources to the different sub-projects that are described in more detail below, the Trust Fund took into account the following parameters:

- The relative incidence of harm as noted in judicial records and as reported to the Trust Fund in its consultations during 2015;
- The relative availability throughout Ituri of institutional capacity and professional expertise required for each of the sub-projects; and linked to that;
- The relative financial weight of a foreseeable need to mobilise capacity and expertise from outside Ituri and/or internationally;
- The relative estimation of programme costs to ensure victims with maximum accessibility to the awards for which they are participating.

72. While the above parameters do not allow for exact calculations, they do facilitate an estimation of the most appropriate distribution of resources amongst each of the sub-projects. As discussed in Section IV, the Trust Fund aims to ensure sufficient budgetary flexibility in the programme so as to facilitate any necessary readjustment of financial value amongst sub-projects.

73. Based on the above parameters, the Trust Fund submits the following allocation of available resources:

- Psychological rehabilitation: 40% - €292,000
- Physical rehabilitation: 20% - €146,000
- Socio-economic measures: 40% - €292,000

The Trust Fund's oversight of implementation

74. Section VII below describes in detail the procedure for the selection of implementing partners, as well as the proposed reporting arrangement between the implementing partners and the Trust Fund, and between the Trust Fund and the Trial Chamber, respectively.

75. The oversight of the entire collective reparations programme will be ensured by the Trust Fund's staff based in the Bunia Field Office, consisting of a Programme Manager (P4), directly reporting to the Executive Director, and of two Associate Programme Officers (P2). These are newly established posts, reflecting the strengthening of delivery capacity in the new structure of the Trust Fund Secretariat, which is implemented in the 2017 budget year. At the time of writing, the recruitment process for all three posts is on-going. Meanwhile, business continuity is being ensured to the extent possible by currently available staff.
76. The presence of Trust Fund field staff on-site allows for permanent accompaniment, guidance and oversight of the implementing partners. This is standing practice in the implementation of the Trust Fund's assistance mandate programmes. In regard of the implementation of the Court's first ever reparations awards, the Trust Fund's field based oversight and quality control capacity will be of particular relevance to the successful implementation of awards. Trust Fund staff have long-standing experience of ensuring that programmes and projects implemented by third parties on its behalf remain within particular and prior approved legal and administrative parameters.
77. Effective oversight by the Trust Fund's field based staff is ensured by regular project visits, by a continuous feedback loop between Trust Fund staff and implementing partners in regard of narrative reporting on results and financial reporting, as well as by frequent spot-checks of administrative records performed by Trust Fund staff to ensure compliance with internal control standards.
78. In The Hague, the Trust Fund's oversight and reporting is monitored by the Executive Director, assisted by the Legal Adviser, Financial Officer, Programme Monitoring and Evaluation Officer and Associate Programme Officer. The Trust Fund's oversight and reporting is further subject to annual

review by the External Auditor, generating a separate report on the Trust Fund's accounts and programme implementation practice, as well as to periodic review by the Court's independent Office of the Internal Auditor.

79. The Trust Fund's oversight structure – both field-based and in The Hague – is designed and geared not only to ensure effective oversight and control of programme implementation, but also to detect, as they arise, implementation irregularities or contextual developments negatively affecting implementation and to take timely and informed decisions to address problems, adjust projects and mitigate programming uncertainties and the related risks, as identified in Section IV of this filing.

VI. Proposed project framework⁴⁴

80. The proposed programmatic framework for collective service based reparations projects with an implementation period of three years is as follows

Main Objective:

81. The overall goal of collective reparations is to redress the former child soldiers and their family members victimized by the crimes of Lubanga overcome the harm suffered through rehabilitation projects in an integrated collective reparations programme consisting of both symbolic and service-based remedies.

Expected outcomes of the integrated projects leading to the main objective:

- Collective reparations foster rehabilitation of victim within the affected communities with respect to the harm caused to victims;

⁴⁴ The presentation of additional collective reparation project information contained in this filing and the annexes is in relation to and furtherance of the programme plan outlined in the 3 November 2015 filing and annexed Draft Implementation Plan.

- Strengthened former child soldier's capacity to deal with mental trauma caused by the crimes and their experiences;
- Improved psychological wellbeing of former child soldiers (as fundamental to integrated programming);
- Rehabilitate the vocational, educational, or agricultural skill level and capacity of victims to pursue and maintain socio-economic security.

Project objectives leading to the expected reparation programme outcomes:

- a) To improve **mental health** of former child soldier survivors and their families through psychological counselling services and community engagement;
- b) To improve the **physical health** and mobility of victims through physical rehabilitation and treatment;
- c) Remedy the **socio-economic** injuries caused to former child soldiers and other victims;

The Trust Fund recalls here the project objective of the symbolic reparations project:

- d) Reintegration and redress of former child soldiers through **symbolic reparations**, awareness, and acknowledgment in the affected communities of the consequences of the crimes.

82. Collective service based reparations projects will be implemented through an integrated approach to rehabilitate and redress the multifaceted nature of harms suffered by victims. The victimization experience of victims extends to mental and physical trauma as well as social and economic harm that hinders their growth and capacity to cope at present. The proposed projects have been developed and designed in response to victim and affected community

declarations and informed by the nine years of Trust Fund programmatic experience in Ituri province in a manner consistent with expert practitioners and technical norms.

83. Integrated victim rehabilitation programming is the rendering of any and all relevant services to each eligible victim (direct or indirect), based on their individual requirements. A victim may avail themselves of multiple service based rehabilitation projects depending on their individual injury recovery requirements. For example, a victim may receive trauma counseling, participate in vocational training, and subsequently become a member of a village savings and loan association group in their home community. Or, a victim may for example receive psychosocial support, medical treatment, and participate in symbolic reconciliatory activities. Integrated service delivery attempts to address the multiple layers of need that victims require to recover from as a result of their different injuries, whether psychological, physical, or socio-economic in nature.

84. Central to the success of all forms of collective reparations is sensitivity to the emotional and interpersonal functioning of each victim. This sensitivity is required throughout the process, including when conducting assessments of eligibility or harm, providing medical care, training courses, or facilitating an income generation project. Psychosocial awareness and education will help stakeholders within the community to come to understand that the behavior of former child soldiers who may react in certain situations in a way that is deviant of the existing social norms is a symptom of the harm that they have suffered. Community members will also be informed that collective reparations are intended to redress this.

A. Mental health

85. This project component's objective is to improve mental health of former child soldier survivors and their families (indirect victims) through psychological counselling services and community engagement.
86. The Trust Fund recalls that in its view, informed by programme implementation experience in Ituri, expert advice, as well as by its own findings during consultations in the affected communities, there should be a presumption of psychological harm for all former child soldiers, as well as for those indirect victims who are close family members, many of whom were intimidated into providing their children to the UPC/FPLC. Therefore, psychological support will be extended to victims, both at the entry point and during their participation in services.
87. The approach of the Trust Fund and its implementing partners is to develop a holistic understanding of victims and their interests, as well as to facilitate their capacity to take full advantage of the relevant services. The intent of the psychological rehabilitation is to mitigate the negative impacts of disrupted personal development, traumatic experiences, and lowered social status that stem from the enlistment, conscription, and use of child soldiers.
88. Traumatic stress is one of several ways in which wartime experiences impact former child soldiers, alongside disrupted development pathways, and lowered social status within the community due to stigma. Taken together, traumatic stress, disrupted development, and social stigma result in reduced coping capacity, which lead to poorer mental health. Based on the information gathered by the Trust Fund in the field, it is manifest that these harms have also extended to their family members and other indirect victims.
89. The Trust Fund refers to the description of the proposed psycho-social sensitive approach in the Draft Implementation Plan in regard of the intake of victims into the collective reparation programme. This 'soft touch' approach adopts a psychologically sensitive and receptive manner of dealing with victims from their first moment of contact with the programme.

90. Psychological rehabilitation does not start with meeting the victims; rather it starts with community engagement, in which the Trust Fund and our partners will engage community leaders and trusted stakeholders to discuss the projects and process with them. This community engagement model was extensively discussed in the Trust Fund's symbolic reparations project framework and in the Draft Implementation Plan. It is crucial for the success of the collective awards that the community is consulted, and that local leaders, cultural leaders, religious leaders, civil society, youth groups, and trusted stakeholders are informed of the projects intent and that their support and co-ownership is obtained for implementation and dissemination of project information.
91. Building trust and confidence with the community improves victim mobilization and identification efforts. It dispels myths and rumours about the awards, and promotes public information and understanding for the awards, including for the beneficiary selection process.

Foreseeable project activities

92. Trauma-based counselling provided to victims is important to respond to their psychological rehabilitation needs. They are also important to be undertaken at an early stage of integrated service-based reparation programmes in order to improve the clarity of thought and coping capacity of victims, so that they may take full advantage of other rehabilitative services because in the Trust Fund's experience, victims that are troubled by trauma cannot take full advantage of socio-economic services. In particular, victims suffering from mental trauma may find it difficult to focus and manage the low levels of stress that accompany the challenges of new training and learning opportunities.
93. With this in mind, the Trust Fund proposes to structure the programme and project intake processes to best enable a successful victim experience and to

give victims the required tools for reintegration. Moreover, the Trust Fund proposes that counsellors will mentor victims throughout the entire implementation process and support them as they make use of the other rehabilitative services.

94. A victims' first encounter, at home or in the village, with the collective reparations awards will be a brief introductory conversation with a specially trained local counsellor. The counsellors discuss the about reparations with the victim, including the process, and the types of services available through the collective awards.
95. In doing so, the counsellors will also collect basic information from each victim in a conversational non-threatening environment. In particular, during those conversations the counsellor learns of the particular experiences of each victim and what coping strategies he or she has developed and whether they are harmful. Counsellors will be in position to offer corrective coping strategies and talk victims through their feelings and experiences. Several such sessions, which should be held over the course several months, will permit the counsellor to understand the depth of trauma and to develop a therapeutic recovery process. It is in this period and through this process that the counsellor provides therapy to the victims. In addition, the counsellors will become able to assess the extent of a victim's harm in a victim- and trauma-sensitive and comprehensive way.
96. In addition to the benefits inherent to counselling itself, it is important to respond to the victims' psychological needs first to improve their clarity of thought and coping capacity so that all victims are enabled take full advantage of other rehabilitative services, notwithstanding any psychological trauma that they have suffered, e.g. by providing them with tools to manage the low levels of stress that accompany the challenges of new training and learning opportunities.

97. As an integrated programme, the collective reparations awards are designed to address the damage done to victims' coping capacities. The programme will strengthen affected individuals' internal coping capacity by way of individualized counselling services and equip them to more effectively identify and utilize external coping resources available to them. The Trust Fund has extensive experience in adapting this approach with partners for use in psychological rehabilitation projects, including on how to develop a trusting environment between the counsellor and the individual victim.
98. The proposed psychological rehabilitation project is proposed to be accomplished through an intensive capacity building programme and clinical supervision for local counselors conducted by a psychotherapist from an implementing partner. This intensive, hands-on training will give practical experience to the participating local counselors while providing high quality counseling services to victims.
99. The **expected outcomes** of the psychological support component are:
- a) Victims possess strengthened coping capacity to deal with the detrimental effects of the harm suffered, as well as post-conflict life in general;
 - b) Community understanding and support of psychological support to victims contributes to its effectiveness;
 - c) Improved community awareness about the effects of the crimes and the potential benefits of trauma rehabilitation;
 - d) Mentors are in place to follow up counseling sessions with other forms of support to victims, to assist victims in applying skills learned that will support them during the reparations programme.

B. Physical health

100. The objective of this programme component is to improve the physical health and mobility of victims through physical rehabilitation and treatment.

101. Physical rehabilitation is a relevant reparation component for victims; nearly half of all respondents of the 21 communities consulted by the Trust Fund in May and June 2015 cited medical rehabilitation as an area of key concern. Injuries reported by potential victims include *inter alia* gunshot and fragmentary wounds, burns and contractures, sexually transmitted diseases (STD), orthopedic disorders of the back and joints, and bone fractures.

Foreseeable project activities

102. Implementing partners will identify, evaluate, and triage the physical injuries of victim patients. They will be invited to establish memoranda of understanding (MOU) with existing area clinics, laboratories, and hospitals to facilitate the provision of medical treatment and referrals to care providers. Victim patients will be assisted in attaining treatment and benefiting from service referrals.

103. Information concerning the availability of physical rehabilitation will be disseminated to participating victims following psychological assessment and first counselling treatment. Medical rehabilitation projects will provide technical staff to provide requisite medical care and therapy as well counselling support during treatment. Projects will also provide support for physiotherapy and assistive mobility devices, such as crutches or wheelchairs.

104. Medical evaluation by experts and doctors will be carried out to identify the victims and physical harm. Local capacity is available to support medical evaluations aimed at identifying victims who are living with physical trauma and require medical treatment.

105. By way of example, treatment is available within the region for the following injury categories: sexually transmitted infections (orchitis, syphilis,

gonorrhoea, etc.); surgery to repair fistula or prolapse; and psycho-medical treatment to victims infected with HIV-AIDS is available at all local hospitals. Treatment is also available for bone and marrow infections (osteomyelitis) and vision disorders (ophthalmology). Most hospitals can perform physiotherapy (kinesiotherapy, dressings, retractable scars, etc.), and simple surgical procedures to extract bullets and fragments.⁴⁵ Implementing partners should use these existing capacities in as far as possible.

106. With the assistance of medical personnel, the assessment and diagnosis of victims' injuries will be carried out. The Trust Fund proposes as part of this programme component to establish memorandums of understanding (MOU) with area medical service providers (hospitals and clinics) and negotiate favourable billing rates. Care and treatment options will be discussed with the victim to determine their course of treatment and where and when such treatment could be obtained. The project component includes the facilitation of transport and admittance of victims into hospitals or clinics for the requisite treatment and the management billing obligations. The project component includes arrangement for follow up care visits and monitoring of recovery in close cooperation between the service-provider and the victim patients.

107. The Trust Fund is mindful that medical services and treatment may require a substantial time commitment on the part of victims and that these victims may have preexisting financial and familial commitments. In this respect, the implementing partner shall discuss the duration of treatment with victims to craft a schedule of care that permits victims to maintain their current familial and financial obligations to the greatest extent possible, and yet to fully benefit from the requisite medical treatment. For instance, for victim patients engaged in agriculture, therefore there are certain seasonal rhythms and events that will be taken into consideration when scheduling treatments.

⁴⁵ This is not an exhaustive list of the medical capacity, but rather an illustrative sampling of treatment options that may be relevant to redress injuries affecting former child soldiers.

108. The expected outcomes of physical rehabilitation:

- a) Access to medical services for victims and indirect victims including referrals and follow-up care;
- b) Provision of surgical services, corrective treatment, and follow up care;
- c) Improved physical wellbeing and increased mobility of victims.

C. Socio-Economic Remedies

109. This project's objective is to remedy the socio-economic harm caused to former UPC child soldiers and indirect victims.

110. Their missing out on basic educational and vocational opportunities as a child places former child soldiers at a significant social and economic disadvantage, resulting in their being perceived to be of limited value to the community. The absence of opportunities and resulting diminishment of marketable skills by itself may cause harmful behaviors and in turn elicit further stigma from the community towards former child soldiers. Communities will be sensitized to recognize that these behaviors are symptoms and the consequence of the crimes suffered by the former child soldiers.

Foreseeable project activities

111. Provision of socio-economic opportunity projects such as vocational training, improve agricultural techniques, and livelihood schemes such as village savings and loans associations (VSLA or "*Mutuelles de Solidarité*" – MUSO) are intended to redress this childhood skills gap. The intent of the socio-economic initiatives is for victims to achieve a sustainable livelihood improvement and/or to obtain marketable skills to mitigate and overcome the harms caused

to direct victims as a result of having been recruited, enlisted, and used as a child soldiers.

112. Each participating victim will be interviewed to discuss and evaluate their individual and family-based livelihood interest, whether vocational, educational, or agricultural in nature. Assessing literacy and numeracy skills will facilitate placement into an appropriate training and increase access to quality vocational development. Factors to be taken into consideration when evaluating the options for each victim shall include: literacy levels; a market survey of their area; consideration of whether there is a urban or rural household setting; possible disabilities (physical or psychological); and familial obligations to name a few. Each victim will select their preferred project for socio-economic rehabilitation through an informed livelihood counseling process that fully examines their particular situation.

113. The Trust Fund is mindful that trainings and courses may require a substantial time commitment on the part of victims who may have pre-existing financial and familial commitments. Further, the accessibility of training centres for victims may be affected for those residing in remote locations. In this respect, the project shall endeavor to craft flexible training and course schedules to permit victims to maintain their current familial and financial obligations, to mitigate accessibility constraints and to take full advantage of improved skills opportunities. Further, seasonal rhythms and events relevant to an agrarian society will be taken into consideration when designing the vocational training courses. Trainings and courses are envisaged to adopt the following flexible scheduling practices where appropriate to improve access and attendance: evening and weekend schedules, part-time or half day schedules, dry season or seasonal scheduling, and home visits trainers and mentors.

Provision of vocational training opportunities to interested victims

114. Victims who make an informed decision to pursue vocational skills development shall participate in the market analysis of their community, carried out under the auspices of the implementing partner. A local market survey will evaluate what skills are in high demand in the local economy, and what vocational training services are already available or would need to be developed to meet the local demand. Based on those findings, a menu of skills training course will be developed in response to local market conditions. Annexes D1 and D2 provides a detailed overview of the different skills training opportunities currently available in Ituri.
115. Where necessary, victims will be afforded accelerated literacy and numeracy courses to address the fact that they have lost educational opportunities during childhood and so that they will be able to successfully join in vocational training options. The victim together with a project social worker will explore and evaluate their training options and the related training requirements, based on a discussion of the findings of the market survey for their area, their current education level (including where relevant literacy and numeracy), previous work experience and career development ambitions.
116. The proposed project component includes the establishment of memorandums of understanding (MOU) with accredited area vocational schools and institutes and the negotiation of favourable course rates. The implementing partners will be tasked with discussing with the victims where and when training may take place. The implementing partner will also be responsible for facilitating the transport and admittance of victims into the vocational schools or institutes and managing billing obligations. The implementing partner will further be responsible for managing follow up activities and mentoring the victim's performance on the job and or development of a business venture.

117. The expected outcomes of the vocational education component are:

- a) Victims experience a significant improvement and transformation of their ability to undertake economic activities;
- b) Victims are able to provide for their families in a sustainable way;
- c) Victims will be empowered to establish businesses and acquire assets from the proceeds of their trade practices;
- d) Victims benefiting from accelerated literacy training and educational training are able to access and create other forms of income generating activities.

Provide improved agricultural techniques and training

118. Another relevant socio-economic activity that is proposed to form part of the reparations award is the provision of agricultural training on improved agricultural techniques for victims who depend on agriculture for their livelihood and reside in rural setting so that their income from farming and animal husbandry is improved as a result of increased agricultural production and better exploitation systems.

119. Victims who make an informed decision to pursue improved agricultural techniques shall participate in the market analysis of their area. A local market survey will evaluate what crops are especially valued and/or currently underrepresented in the market. The project will also examine which cereals, tubers, and produce varieties thrive in the prevailing environmental conditions of the area and work with the victim to plan the chosen agricultural initiative. Furthermore, small animal husbandry ventures will also be considered for their appropriateness.

120. The project will work with victim farmers to select and adopt varieties that are both suited to the growing conditions of their home as well as attractive agricultural products for the local market. The project will work closely with

victim farmers to facilitate their access to markets and transportation infrastructure, and to keep them informed of current pricing data in respect of the chosen crops varieties.

121. The project will fortify training modules with agricultural extension visit and onsite mentoring. Project extension agents will regularly visit the victims at their home and in their fields or gardens to monitor and track progress and to reinforce the skills transfer and techniques acquired in training.

122. The expected outcome of the improved agricultural techniques and trainings are:

- a) Increased application of improved agricultural techniques that increase yield;
- b) Improved availability of agricultural seed varieties;
- c) Small animal husbandry among interested beneficiaries;
- d) Improved agricultural skills among beneficiaries;
- e) Improved access to markets for cash crops or produce;
- f) Improved household living conditions among beneficiaries.

Provide livelihood assistance through participation in Village and Savings and Loans Associations (VSLA / MUSO)

123. The provision of livelihood assistance through participation in Village Savings and Loan Associations (VSLA/MUSO) is intended to strengthened and improve economic livelihood opportunities of victims through affordable access to credit in a peer support group environment. The development of savings and loans initiatives is one way to enable young entrepreneurs to make investments and benefit from loans and access to credit in return.

124. The activities associated with VSLA initiatives in brief are as follows: identifying the communities where VSLA groups will be formed;

identification and selection of interested victims (direct and indirect) to comprise the group; and formation of a group between 20-30 persons. The group then gathers for an initial meeting and starts with a VSLA methodology training conducted by the implementing partner a part of this initiative. Once the group has been properly trained so that all group members will adhere to applicable rules, the group selects the VSLA officers (president, treasurer, secretary, and key-holders). The group holds then begins savings collection during a meeting in which all saving contributions are recorded and witnessed by the group. The group will begin issuing loans requested by members. This takes place as follows: Firstly, members requesting a loan present (usually orally) their proposed income generation scheme for consideration by the group. Secondly, the group discusses and votes on the proposal. Thirdly, a loan may be issued to a member for a period of time allowing them to implement the income generation scheme. Thereafter the member must pay back the loan with interest. The group may meet on a regular basis, e.g. once a week, to conduct VSLA business, savings collections, loan issuance, and repayments.

125. VSLA groups often also initiate other social activities of joint interest to the members of the group, such as music, drama, dance, or sports. Such associated activities help to deepen the peer support group aspect of the VSLA initiative. Throughout the process the implementing partner will be responsible for providing training to the group and monitoring the functioning of the group with a view to assessing whether or not the group members adhere to the rules and methodology.

126. The expected outcome of the VSLA/MUSO livelihood assistance projects are:

- a) Improved economic resilience among participating victims;
- b) Improved access to credit to pursue home based income generating initiatives;

- c) Increased confidence from the peer support group aspect of the VSLA/MUSO

General observations on service-based reparations

127. The Trust Fund notes that Ituri is an area marked by extreme poverty,, compounded by years and years of conflict and continuing violence and insecurity. Enduring poverty and a lack of sustainable security are the realities shared by the victims in this case with almost everyone else in their community.

128. In order for individual victims to effectively benefit from collective reparations, others around them will need to come to an understanding that improving the lives of these victims and remedying the harms that they have suffered will indirectly also benefit the broader community. If no such understanding evolves, there is a real risk that reparations will cause jealousy and further stigma and undo any benefit for the victims.

129. Accordingly, the Trust Fund emphasizes the importance of upholding and strengthening the integrity of reparations, including by ensuring a positive and mutually supporting correlation between service-based reparation elements and symbolic reparation elements of the reparations order. In this vein, it has included for reference a short overview over the ongoing and approved symbolic reparations component.

D. Symbolic reparations (*already approved, included for reference*)

130. The symbolic reparation project, already approved by the Trial Chamber on 21 October 2016⁴⁶, is referenced in this filing to illustrate the integrated nature of collective reparations and to underline how the communities affected by Mr

⁴⁶ ICC-01/04-01/06-3251.

Lubanga's crimes will participate in the design, implementation, and monitoring of the reparation activities supported by the Trust Fund.

131. The reintegration and redress of former child soldiers being victims in the Lubanga case are enabled by the awareness and acknowledgement of the affected communities that the enlistment, conscription, and use of child soldiers under the age of 15 is to be considered a crime, causing enduring harm to the former child soldiers and their families and consequently continuing to disturb the well-being of their communities.

132. Expected outcomes [leading to the main objective]:

- a) Symbolic collective reparations foster awareness and acknowledgement within affected communities about the convicted crimes of Mr Lubanga and the harm caused to victims and their families;
- b) The stigma attached to former child soldiers within their (adopted) communities, affecting their ability to (re)integrate and rehabilitate, is significantly reduced;
- c) The affected communities' awareness and acknowledgement of the relevant crimes and resulting harms provide for an enabling environment to develop and implement service-based collective reparations awards to direct and indirect victims in the Lubanga case;
- d) Beyond the affected communities, other stakeholders in the public domain are informed about and appreciate the objective and the results achieved in this collective symbolic reparations project implementation, as a first expression of the joint reparative justice mandates of the Court and the TFV.
- d) The approved collective symbolic reparations in Ituri Province contains two principal components:

A. To develop and construct symbolic structures, in the form of commemoration centres that will host interactive symbolic activities, in three communities.

The construction is to serve as a “living” space that offers a “useful” venue for functions in the affected community. The interior of the building may be utilized to exhibit pictures and artwork created by former child soldiers that depicts the past, present, and their hopes for the future. The structures may also host music, dance, drama, and cultural events respected by the community. The newly built structures should also provide a venue in which community dialogue concerning the crimes and the road towards reconciliations may occur. As part of the project, the selected implementing organisation is also responsible for including, and within the budgetary parameters of the project, the manner in which it will in close cooperation with the community facilitate these symbolic, interactive activities.

Structures shall continue to serve the affected communities beyond the life of the reparations project. The structures and associated community committee shall become an integral part of any future approved collective reparations in regards to the crimes of Thomas Lubanga Dyilo.

B. Mobile memorialization initiatives in five additional communities that will promote awareness raising of the crimes and resulting harms, reintegration, reconciliation, and memorialization.

The mobile memorialization component will promote community awareness and sensitization about the harm caused by the enlistment, conscription, and use of child soldiers in hostilities through a range of activities that will include a regular series of

“commemoration weeks” and radio programmes in five of the above mentioned eight locations. Community sensitization meetings with local leaders and members of the community will be part of commemoration activities.

Memorialization activities and events may include the following: a combination of community dialogue, artistic, cultural, and theatrical activities to promote awareness-raising about the convicted crimes and the harms suffered by child soldiers; children’s rights and child protection; the negative consequences of enlisting, conscripting, and using children in hostilities; trans-generational and gender related topics including as to the various forms in which former child soldiers and their families experience stigma, and to spread the message of reconciliation, non-repetition, and reintegration. Particular attention will be given to mitigating stigma towards former child soldiers and enhancing understanding. In this respect, the participation of young people in such events is particularly important, as such participation can contribute to reducing stigma and ongoing trauma.

133. The symbolic reparations project was envisioned to be incorporated into a larger integrated service based reparations programme should the Draft Implementation Plan or another reparations initiative gain approval from the Chambers in the future.

134. The selection of the communities to be included in the symbolic reparations project activities is based on the connection of their localities to the various elements of the crimes, their size and prominence as trading centres, and the views expressed regarding the reparations process during the community consultation missions of May and June 2015.

Reporting

135. The logical framework presented in this filing for the comprehensive collective reparations programme, including the newly presented service-based projects, is designed in such a way as to allow detailed quarterly reporting by implementing partners on the achievement of programme and project results – objectives, outcomes and outputs - against pre-determined indicators, in line with the Trust Fund’s Performance Monitoring Plan (PMP).

136. In order to be able to monitor the progress and the success of each stage of the reparation programme, the Trust Fund together with implementing partners will conduct a baseline study at the inception phase of the programme. The information gathered will inform the Trust Fund and implementing partners on the implementation context, enable tracking success in achieving programme objectives, to evaluate the impact of the programme at multiple levels (mid-term & end of term) and eventually generate institutional knowledge about processes and activities for subsequent reparations orders. Every quarter, results reported by implementing partners will be compared to information collected during the baseline survey so as to track progress towards achieving targets and goals outlined in the project framework. This will allow the Trust Fund to assess whether the implementation of reparations programme is on track or whether and where there is a need for adjustment and refinement.

137. The baseline survey questions will include quantitative and qualitative measures that are essential to the program’s success and impact. Examples of baseline survey questions are:

- What is the initial known number and location of eligible and participating victims? To allow to track the identification and screening process during implementation and to monitor to what extent victims are being enrolled in the reparation programme;

- What is the participating victims' initial understanding of the Court (ICC), the Trust Fund, and the reparations order? Having this information at the inception phase will be the basis to support outreach to maximise further enrolment in the reparation programme;
- What are the expectations of victims of international justice in general and of the reparations order in particular? Managing beneficiaries' expectations will be a cornerstone of the success of reparation programme. , Collection of these data at the onset of the programme will guide the design of a appropriate messaging and materials so as increase reparation participation and acceptancy;
- What are victims' physical, psychological, and socio-economic needs and how do victims think that the reparations programme can best address these? Collecting needs assessment and victim's placement data at the inception phase will allow tracking whether reparation programme targets eligible victims as per reparation order; and during the implementation phase, additional data will be collected to assess how well the rehabilitation programme is responding to the harm suffered by those victims.

138. The Trust Fund proposes to submit six-monthly progress updates to the Trial Chamber, if and when possible integrating results achieved in both the symbolic and service-based award implementation. In the experience of the Trust Fund, this reporting cycle is a solid foundation for a meaningful and in-depth analysis and reporting on project results and achievements towards the obtainment of the general objectives of the collective reparations programme. In case of significant developments affecting implementation and/or requiring programme or project adjustments, the Trust Fund will submit ad-hoc reports to the Trial Chamber indicating the Trust Fund's management and operational

response. At the end of the implementation period the Trust Fund shall submit a final narrative and financial report to the Trial Chamber.

VII. Timelines

Procedure to select implementing partners

139. In consideration of the wide range of required services and the current market availability of such services in Ituri, the Trust Fund proposes to resort to the standard procurement procedure to select implement partners for the service-based components of the reparations awards rather than a shorter, abbreviated procedure. This procedure is an international competitive bidding (ICB) procedure, to be conducted in compliance with the Court's relevant financial and administrative regulations and rules.

140. The close interrelation of the different projects constituting the service-based awards, the need for consistent and integrated reporting on results across projects, as well as the possible need to adjust programming and resource allocation during the implementation period, compels the Trust Fund to stipulate to bidders that it will only consider submissions that cover the totality of the requested services. In this regard, the Trust Fund will invite and encourage bidders to form partnerships and to indicate one lead partner agency that will be accountable to the Trust Fund for contractual compliance, quality control and reporting throughout the sub-projects.

141. In more detail, the requisite steps of the international competitive bidding procedure are as follows:

Preparation (5 weeks)

- Completion of the Scope of Work (SOW) and Request for Proposal (RFP) documents by the Trust Fund, in accordance the Trial Chamber's decision of approval and in consultation with

Procurement. Translation of the final SOW and RFP documents into French by external translators.

- Meetings between the Trust Fund and the Procurement section of the Registry to discuss and agree on the applicable modalities, timeframe, and planning of the tender procedure.
- The Trust Fund allocates the project funds through a purchase requisition in SAP Grants Management system verifying that adequate funds have been obligated for the intended project.
- Notification by the Procurement section of a “Call for Expressions of Interest”, followed by a shortlisting by the Trust Fund of applicants to receive the RFP.

Solicitation and submission of proposals (12 weeks)

- The Trust Fund develops the evaluation criteria and the scoring matrix on which the proposals will be evaluated and assessed.
- The Procurement section notifies the tender to the shortlisted bidders, who are receiving the proposal format and related annexes, including the SOW, necessary to develop their project proposals.
- Identified organizations are afforded 15 days to consider the tender and to pose questions concerning the process through Procurement for clarification. Procurement forwards the questions to the Trust Fund to formulate responses that will be notified to all applicant organizations.
- Applicant organizations have 6 weeks following the Question & Answer period to develop their proposals and submit them to Procurement.
- During the application period, the Trust Fund intends to make available an in-house-help desk, in the person of the Programme Monitoring and Evaluation Officer, to help ensure applicants that

their proposed monitoring and evaluation plan is responsive to the SOW and to the Trust Fund's Performance Monitoring Plan's framework

Evaluation and selection (10 weeks)

- The Procurement section receives the proposals and verifies which have submitted the requisite components of the RFP (documentation in response to eligibility criteria, technical proposal, and proposed budget). Procurement forwards all qualifying applicant proposals to the Trust Fund.
- The Trust Fund evaluates each proposal against the predetermined criteria and scores each applicant proposal. The Trust Fund reviews the outcome of the scoring and findings of the proposal evaluation process and selects the organization(s) to be invited to implement the reparations project. The Trust Fund communicates to Procurement the results of the proposal evaluation process and associated documentation pertaining to the scoring and selection of the proposals.
- Procurement liaises with the Registry's Legal Office to set a date for the Court's Procurement Review Committee (PRC) meeting to review the selection process and to either approve or reject the outcome of the evaluative process. The Trust Fund prepares the proposal dossiers and related review documentation for the PRC. The PRC meet to review the procurement process and the Trust Fund may defend the selection process. Additional time may be afforded to the parties if supplemental clarification or documentation is required.
- The Legal Office prepares the minutes of the PRC meeting and the recommendation of the PRC concerning the selected implementing partner. The minutes are circulated to the PRC members. The

minutes are then sent to the Registrar for signature and approval. The signed minutes are sent to the Trust Fund. The Secretariat shares the outcome of the tender procedure with the Board of Directors for information.

Contracting and transfer of funds (6 weeks)

- Contracts will be in accordance with standard template for Trust Fund implementing partners: for the total project period, with annual disbursements to be decided by the Trust Fund based on performance and availability of funds
- The Legal Office prepares the contract(s) and annexes and sends to the selected implementing organization(s). The selected organization reviews and signs the contract and annexes accordingly. Two copies of the contract are sent back to the Legal Office.
- The Legal Office receives the signed contract and forwards to the Executive Director of the Trust Fund for signature, which is the formal project start date. A signed copy of the final contract is sent to the implementing partner for their records.
- The Trust Fund prepares the initial disbursement of funds to the implementing partner.
- Treasury transfers the funds to the implementing organization(s).

Project implementation timeline

142. The formal start of the project implementation period is at the conclusion of the procurement process, on signature of the contract. For the three-year implementation period of the project, the following timeline and key milestones will be applied:

Inception phase (towards 6 months)

- First intake and initial psychological assessment of participating victims
- Evaluation of service needs of participating victims and review of budget allocation
- Development and conduct of baseline survey
- Integration with symbolic reparations project
- Continuation of psychological support
- Start of physical and socio-economic service based awards
- Progress report – to Trust Fund Board and to Trial Chamber consecutively

First project implementation cycle (towards 18 months)

- Continuation of implementation of service based awards
- Mid-term review report of project performance
- Review of need for adjustments in project activities and/or budget allocations, in consideration of an analysis of reported results against the baseline data

Second project implementation cycle (towards 36 months)

- Continuation of and completion of service based awards
- Final narrative and financial reports Inception report – to Trust Fund and to Trial Chamber consecutively

VIII. Conclusion

143. In conclusion, the Board of Directors of the Trust Fund for Victims is pleased to submit the present filing in response to the Trial Chamber's Order of 8 December 2016. The filing draws upon the Trust Fund's draft implementation plan of November 2015, submitted pursuant to the Judgement and Amended Reparations Order of the Appeals Chamber in March 2015, as well as on the symbolic reparations project framework, approved by the Trial Chamber on 21 October 2016. As such the filing exemplifies the two-stage approval process outlined by the Trust Fund at the public hearings on reparations in the Lubanga case, held in October 2016.

144. As a pre-amble to the requested detailed project framework for service-based reparations, the Trust Fund has endeavoured in the present filing to acknowledge and address known programming uncertainties currently inherent to the reparations phase of the Lubanga case, by formulating programming assumptions as well as identifying risk and control / mitigation measures.

145. Further, the Trust Fund has conducted additional field based research to chart the enabling environment in the Ituri Province of the DRC in regard of services related to psychological, physical and socio-economic rehabilitation. In doing so, the Trust Fund has sought to demonstrate and clarify to the Chamber and other parties and participants in the proceedings, the local institutional and professional context of the collective reparations programme, as well as to lay the foundation for prospective implementing partners to submit solid project proposals for review and selection by the Trust Fund.

146. In regard of the prospective service based reparations awards, the Trust Fund has developed a comprehensive logical framework, integrating both the service based and the symbolic reparations components, thus illustrating their mutual coherence and interdependence and clearly setting goals and results – as well as the related performance indicators - to be achieved at different

levels of implementation. The Trust Fund respectfully indicates that the final project planning and implementation will be informed by the successful proposals received from the partner selection procedure through an international competitive bidding process, which, if necessary are to be fine-tuned by the bidder in close dialogue and coordination with Trust Fund in accordance with the Scope of Work, annexed to the present filing.

147. As discussed and presented above, the total amount of resources available for the service-based reparations components, which are maintained to have an implementation period of three years, is €730,000. The Trust Fund respectfully indicates that the eventual approval of the Trial Chamber will allow the Board of Directors to take a final and fully informed decision on the amount of the Trust Fund's complement to the payment of reparations awards in the Lubanga case.

FOR THE FOREGOING REASONS

The Board of Directors respectfully submits this filing in response to the Trial Chamber's Order of 8 December 2016 "Order instructing the Trust Fund for Victims to Submit Information regarding Collective Reparations".



Pieter W.I. de Baan

Executive Director of the Secretariat of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 13 February 2017

At The Hague, The Netherlands