

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 June 2021**

Date of the original: **8 June 2021**

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. BOSCO NTAGANDA

Public

**Public redacted version of “Report on Trust Fund’s Preparation for Draft
Implementation Plan”, submitted on 8 June 2021**

With

Annex A Initial Draft Implementation Plan with focus on Priority Victims

Source: The Trust Fund for Victims

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:**Office of the Prosecutor**

Ms Fatou Bensouda
 Mr James Stewart
 Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon

Legal Representatives of Victims

Ms Sarah Pellet
 Mr Dmytro Suprun

Legal Representatives of Applicants**Unrepresented Victims****Office of Public Counsel for
Victims**

Ms Paolina Massidda

**Unrepresented Applicants for
Participation/Reparation****States' Representatives****Office of Public Counsel for the Defence****Amicus Curiae****REGISTRY**

Registrar

Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit**

Mr Nigel Verrill

Detention Section**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Mr Jean-Claude Aubert
 Ms Jelena Vukasinović

I. PROCEDURAL HISTORY

1. On 8 July 2019, Trial Chamber VI (“Trial Chamber”) issued its Judgment convicting Mr Bosco Ntaganda (“Mr Ntaganda”) of five counts of crimes against humanity and thirteen counts of war crimes committed in Ituri, Democratic Republic of the Congo (“DRC”), between 2002 and 2003.¹
2. On 7 November 2019, Mr Ntaganda was sentenced to a total of 30 years of imprisonment.²
3. On 25 July 2019, the Single Judge acting on behalf of the Trial Chamber issued an “Order for preliminary information on reparations”, requesting the Registry to submit preliminary observations on the identification of victims not yet participating in the case, the appointment of experts, and an update on the security situation in the DRC.³
4. On 5 September 2019, the Registry filed its submissions, attaching its preliminary observations as an annex (“Registry’s Preliminary Observations”).⁴ On 3 October 2019, the legal representatives of victims (“LRVs”),⁵ the Defence,⁶ the Office of the Prosecutor,⁷ and the Trust Fund for Victims (“Trust Fund”)⁸ submitted their respective responses to the Registry’s Preliminary Observations.
5. On 5 December 2019, the Single Judge issued an order setting deadlines in relation to reparations (“Order Setting Deadlines”), allowing parties and participants to submit observations on 28 February 2020, as well as final submissions on 30 October 2020.⁹ The Order also invited interested organisations to request leave to make submissions pursuant to article

¹ Judgment with public Annexes A, B and C, 8 July 2019, [ICC-01/04-02/06-2359](#) (“Judgment”).

² Sentencing judgment, 7 November 2019, [ICC-01/04-02/06-2442](#) (“Sentencing Judgment”), para. 87.

³ Order for preliminary information on reparations’, 25 July 2019, [ICC-01/04-02/06-2366](#), with Public Annex I and Confidential Annex II.

⁴ Registry’s observations, pursuant to the Single Judge’s “Order for preliminary information on reparations” of 25 July 2019, ICC-01/04-02/06-2366, with Public Annex I and Confidential Annex II”, 5 September 2019, [ICC-01/04-02/06-2391](#).

⁵ Joint Response of the Legal Representatives of Victims to the Registry’s Observations on Reparations, 3 October 2019, [ICC-01/04-02/06-2430](#) (“Joint Response to Registry’s Observations”).

⁶ Response on behalf of Mr. Ntaganda to Registry’s preliminary observations on reparations, 3 October 2019, [ICC-01/04-02/06-2431](#) (“Mr Ntaganda’s Response to Registry’s Observations”).

⁷ Prosecution’s response to the Registry’s observations, pursuant to the Single Judge’s “Order for preliminary information on reparations” (ICC-01/04-02/06-2391-Anx1), 3 October 2019, [ICC-01/04-02/06-2429](#).

⁸ Trust Fund for Victims’ response to the Registry’s Preliminary Observations pursuant to the Order for Preliminary Information on Reparations, 3 October 2019, [ICC-01/04-02/06-2428](#) (“Response to Registry’s Observations”).

⁹ Order setting deadlines in relation to reparations, 5 December 2019, [ICC-01/04-02/06-2447](#).

75 (3) of the Statute and rule 103 of the Rules of Procedure and Evidence (“RPE”) by 10 January 2020. In addition, the Registry was instructed to: (i) continue its preliminary mapping of potential new beneficiaries of reparations; (ii) carry out an assessment of how many of the victims in the case may be potentially eligible for reparations; (iii) carry out an assessment of how many of the victims eligible for reparations in *The Prosecutor v. Thomas Lubanga Dyilo* case (the ‘Lubanga case’) are also potentially eligible for reparations in the *Ntaganda* case; and (iv) submit a proposed list of experts by 14 February 2020.

6. Upon the Registry’s request,¹⁰ the Trial Chamber granted an extension of time to submit a list of proposed experts on reparations by 19 February 2020.¹¹ On this date, the Registry submitted the proposed list of experts as per rule 97 (2) RPE and regulation 44 of the Regulations of the Court.¹²

7. On 28 February 2020, the Defence,¹³ the LRVs,¹⁴ the Registry,¹⁵ the Prosecution,¹⁶ and the Trust Fund¹⁷ made their respective submissions or observations on reparations. These were followed by observations submitted by the Government of the DRC,¹⁸ and the IOM.¹⁹

8. On 14 May 2020, the Trial Chamber appointed four experts for reparations proceedings and instructed them to submit a report on four issues (“Decision Appointing Experts”).²⁰

9. On 26 June 2020, the Trial Chamber issued the First Decision on Reparations Process (“First Reparations Decision”)²¹ in which it, *inter alia*, instructed the Registry to prepare, in

¹⁰ Email from Registry to the Trial Chamber on 27 January 2020 at 18.05.

¹¹ Email from the Single Judge to Registry on 29 January 2020 at 15.55.

¹² Registry List of Proposed Experts on Reparations Pursuant to Trial Chamber VI’s Order of 5 December 2019, With 35 Confidential Annexes, available only to the Defence and the Legal Representatives of Victim, 19 February 2020, [ICC-01/04-02/06-2472](#).

¹³ Defence submissions on reparations, 28 February 2020, ICC-01/04-02/06-2479-Conf; Public Redacted version submitted on 6 March 2020: [ICC-01/04-02/06-2479-Red](#) (“Defence Submissions of Reparations”).

¹⁴ Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations, 28 February 2020, ICC-01/04-02/06-2477-Conf; Public Redacted version submitted on 28 February 2020: [ICC-01/04-02/06-2477-Red-Corr. \(“LRV Attack First Submission”\)](#); Submissions on Reparations on behalf of the Former Child Soldiers, 28 February 2020, [ICC-01/04-02/06-2474](#), with Public Annex I (“LRV Child Soldier First Submission”).

¹⁵ Registry’s Observations on Reparations, 28 February 2020, [ICC-01/04-02/06-2475](#), with Public Annex I, Confidential (redacted) Annex II, and Confidential Annex II, available only to the Chamber, LRVs, and TFV.

¹⁶ Prosecution’s Observations on Reparations, 28 February 2020, [ICC-01/04-02/06-2478](#), with Public Annex A.

¹⁷ Trust Fund for Victims’ observations relevant to reparations, 28 February 2020, [ICC-01/04-02/06-2476 \(“TFV Observations of 28 February 2020”\)](#).

¹⁸ Transmission des observations de la République démocratique du Congo, 2 March 2020, [ICC-01/04-02/06-2480](#), with Confidential Annex.

¹⁹ Submission of observations on the issues identified under paragraph 9 (c) (i), (ii), and (iii) pursuant to the ‘Order setting deadlines in relation to reparations’ No. ICC-01/04-02/06, 6 March 2020, ICC-01/04-02/06-2483-Conf; Reclassified as public on 23 February 2021: [ICC-01/04-02/06-2483](#).

²⁰ Decision appointing experts, 14 May 2020, ICC-01/04-02/06-2528-Conf; Public Redacted version was submitted on 14 May 2021: [ICC-01/04-02/06-2528-Red](#).

²¹ First Decision on Reparations Process, 26 June 2020, [ICC-01/04-02/06-2547](#).

consultation with the parties and the Trust Fund, a sample constituted of a limited representative pool of beneficiaries of reparations and to report to the Trial Chamber on this matter by 30 September 2020.

10. On 30 September 2020, the Registry submitted its First Report on Reparations (“Registry’s First Report”),²² including annexes in relation to the preparation of the sample, an application form and in relation to issues requiring clarifications from the Trial Chamber.

11. On 30 October 2020, following the grant of an extension of time,²³ the experts submitted their respective reports (“Joint Expert Report” and “Expert Report on Reparations for Victims of Rape, Sexual Slavery and Attacks on Healthcare”, collectively “Expert Reports”).²⁴

12. On 15 December 2020, the Trial Chamber ruled on clarifications requests submitted by the Registry (“Clarification Decision”).²⁵

13. On 18 December 2020, the Trial Chamber, ruling on a request from the legal representative of the former child soldier victims (“LRV Child Soldiers”) to order the Registry to obtain the official census of the persons residing in the affected areas at the time of the events,²⁶ issued a decision rejecting the Request and indicated that “the information requested [...] is not necessary at this stage of the proceedings for the Chamber to decide on the types and modalities of reparations to be awarded in this case”.²⁷

²² Registry’s First Report on Reparations, 30 September 2020, [ICC-01/04-02/06-2602](#), with Confidential Annexes I-V.

²³ Decision on Request for an Extension of Time for Filing of Experts’ Report, 20 July 2020, [ICC-01/04-02/06-2553](#).

²⁴ Registry Transmission of Appointed Experts’ Reports, 30 October 2020, [ICC-01/04-02/06-2623](#) with two Confidential Annexes, available only to the Registry.

²⁵ Decision on issues raised in the Registry’s First Report on Reparations, 15 December 2020, [ICC-01/04-02/06-2630](#) (“Clarification Decision”).

²⁶ Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations, 9 November 2020, [ICC-01/04-02/06-2624](#). The Registry and the Defence submitted observations thereon on 18 and 20 November 2020, respectively (Registry’s Observations on the “Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations” of 9 November 2020, ICC-01/04-02/06-2624, 18 November 2020, [ICC-01/04-02/06-2627](#); Defence response to “Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations”, 9 November 2020, ICC-01/04-02/06-2624, 20 November 2020, [ICC-01/04-02/06-2628](#)).

²⁷ Decision on the Request of the Common Legal Representative of the Victims of the Attack for an Order to the Registry to collect information pertaining to reparations, 18 December 2020, [ICC-01/04-02/06-2631](#).

14. On 18 December 2020, the Defence,²⁸ the LRVs,²⁹ and the Trust Fund³⁰ submitted their final observations on the reparations proceedings.

15. On 15 January 2021, the Registry submitted its Second Report on Reparations (“Registry’s Second Report”), with annexes enclosing, *inter alia*, the results of its eligibility assessment exercise regarding participating victims’ potential eligibility for reparations.³¹ On 28 January 2021, the LRV Victims of the Attacks³² and the Defence³³ submitted their observations on the Registry’s Second Report.

16. On 8 March 2021, Trial Chamber VI issued an Order for Reparations against Mr Ntaganda (“Reparations Order”),³⁴ ordering collective reparations with individualised components to be awarded to direct and indirect victims of the crimes for which Mr Ntaganda was convicted, and setting Mr Ntaganda’s liability for these reparations at USD 30,000,000. The Reparations Order also set deadlines for the Trust Fund to submit an urgent plan for priority victims (“Initial Implementation Plan” or “IIP”), and a general draft implementation plan (“Draft Implementation Plan” or “DIP”) on 8 June 2021 and 8 September 2021, respectively.³⁵

17. On 16 March 2021, pursuant to the “Decision assigning judges to divisions and recomposing Chambers”,³⁶ the present case was referred to Trial Chamber II.

II. CONFIDENTIALITY

18. This submission is classified as confidential pursuant to regulation 23 *bis* (1) of the Regulations of the Court because it contains details related to the operations of the Trust

²⁸ Defence Submissions on Reparations, 18 December 2020, ICC-01/04-02/06-2634-Conf; Public Redacted version submitted on 11 January 2021: [ICC-01/04-02/06-2634-Red](#).

²⁹ Final Observations on Reparations of the Common Legal Representative of the Victims of the Attack, 18 December 2020, ICC-01/04-02/06-2633-Conf, with Public Annex I; Public Redacted version submitted on 21 December 2020: [ICC-01/04-02/06-2633-Red \(“LRV Attack Final Submissions”\)](#). Observations on the Appointed Experts’ Reports and further submissions on reparations on behalf of the Former Child Soldiers, 18 December 2020, [ICC-01/04-02/06-2632 \(“LRV Child Soldiers Final Submissions”\)](#).

³⁰ Trust Fund for Victims’ Final Observations on the reparations proceedings, 18 December 2020, ICC-01/04-02/06-2635-Conf; Public Redacted version submitted on 18 December 2020: [ICC-01/04-02/06-2635-Red \(“TFV Observations of 18 December 2020”\)](#).

³¹ Registry’s Second Report on Reparations, 15 January 2021, [ICC-01/04-02/06-2639](#), with Confidential Annexes I, II and III.

³² Observations of the Common Legal Representative of the Victims of the Attacks on the “Registry’s Second Report on Reparations”, 28 January 2021, ICC-01/04-02/06-2642-Conf; Public Redacted version submitted on 12 February 2021: [ICC-01/04-02/06-2642-Red](#).

³³ Defence Observations on the Registry’s Second Report on Reparations, 28 January 2021, ICC-01/04-02/06-2643-Conf; Public Redacted version submitted on 15 February 2021: [ICC-01/04-02/06-2643-Red](#).

³⁴ Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#).

³⁵ Reparations Order, p. 97.

³⁶ Decision assigning judges to divisions and recomposing Chambers, 16 March 2021, [ICC-01/04-02/06-2663](#).

Fund/Court. Further, the present filing contains a number of details of [REDACTED].. Accordingly, revealing their identity or any identifying information [REDACTED]. A public redacted version is submitted simultaneously.

III. OVERVIEW

19. The present report intends to update the Trial Chamber on the activities of the Trust Fund relevant to devising a Draft Implementation Plan, and on the security situation focusing specifically on the challenges it poses on the ground and the mitigation measures developed by the Trust Fund. It also contains information on the Trust Fund's decision pursuant to regulation 56 of the Regulations of the Trust Fund ("TFV Regulations"), as well as a request for guidance as to the representation of unrepresented victims.

20. As an annex to this report (Annex A), the Trust Fund submits the IIP as ordered by the Trial Chamber in the Reparations Order.³⁷

IV. PROGRESS ON DRAFT IMPLEMENTATION PLAN (DIP)

21. Regulations 54 and 57 of the TFV Regulations require the Trust Fund, approved by the Board of Directors, to prepare a DIP for approval of the Chamber and to, thereafter, continue consulting the Chamber, "as appropriate, on any questions that arise in connection with the implementation of the awards".

22. Pursuant to the Reparations Order, and in line with the jurisprudence of the *Al Mahdi* Trial Chamber,³⁸ the DIP must contain the objectives, outcomes, and activities identified as necessary in order to give effect to the Reparations Order. It must describe the reparation projects, including the details of the proposed collective awards, each of the collective projects with individualised components, and the modalities of reparations identified in the Reparations Order considered appropriate to address each of the harms. It should also describe the methods of implementation, direct and indirect steps to be taken, the expected amount that the Trust Fund will use to complement the awards, and the expected timeline necessary for the projects' development and implementation.³⁹

³⁷ Reparations Order, para. 252 and page 97.

³⁸ *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Trial Chamber VIII, Decision on the Updated Implementation Plan, ICC-01/12-01/15-324-Red.

³⁹ Reparations Order para. 249.

23. In preparing the implementation plans, the Trust Fund is guided by the Reparations Order, as well as the criteria available in the Court's jurisprudence of the required elements of an implementation plan. In this respect, the Trust Fund has been mindful of the criteria laid out by Trial Chamber VIII, according to which:

[...] for a proposed measure to be approved as a selected project, the measure must: (i) fall within the scope of the Chamber's prior rulings – it must be consonant with the Reparations Order and all previous directions of the Chamber; (ii) be justified – its purpose, manner of execution and intended outcome must be stated with sufficient clarity.; (iii) put forward a reasonable time frame for its execution.; (iv) be proportionate, in that the estimated costs for the measure must be commensurate with the estimated benefits. An assessment of proportionality includes consideration of the monetary estimates stated for the measure, the number of persons to be assisted and/or the sites involved". [...] Each proposed measure will subsequently entail a series of further consultations and modalities in order to ensure its execution. The Chamber will not seek to regulate all aspects of the proposed measures, nor will it specify the exact funds required to ensure their proper implementation. Likewise, the Chamber generally will not address suggestions from the other parties and participants which agree with sufficiently explained proposals. It will, in its view, be for the TFV to take such suggestions into account in the course of implementation.⁴⁰

24. In order to design the measures included in the implementation plan, the Trust Fund has entered into a consultation process with relevant stakeholders including the Government of the DRC and its relevant agencies, sections of the Court, [REDACTED] and experts. Most importantly, the Trust Fund has started consultations with victims themselves insofar as they could be contacted and were available in Bunia. The Trust Fund has started to entertain regular contacts with the LRVs.

25. *Consultations with national authorities* – Following the issuance of the Reparations Order, the Trust Fund's Programme Manager conducted a high-level mission to Kinshasa in order to meet with relevant official authorities and ensure that they are informed of, understand, and support the activities of the Trust Fund in Ituri. Most notably, she met the Minister of Justice, as well as the Vice-Minister of Foreign Affairs. The Trust Fund described, not only, the activities relevant to the *Ntaganda* reparations, but also, the entirety of its activities in Ituri

⁴⁰ *Ibid.*, paras 16-17.

(that is the *Lubanga* reparations programme, the *Katanga* reparations, insofar as public at this stage, and the assistance programme) and had fruitful exchanges with the Ministers who shared important information about available government services in Ituri, one of whom expressed a desire to conduct a field visit to understand the programmes and her willingness to cooperate with the Trust Fund.

26. [REDACTED] – [REDACTED].

27. From an outreach point of view, and heavily supported by the Country Office, following the Reparations Order and the publication of the *Lubanga* proceedings in March 2021, the Trust Fund met with 14 national television and radio stations in order to present the TFV and its activities. While most questions revolved around the *Lubanga* case, these meetings were an opportunity to build relationships with media outlets so that they can relay information locally if deemed necessary in the future. While it is certainly necessary to conduct general outreach activities in the capital, most of the outreach will take place in the Ituri region, as is described below in the section related to the identification of beneficiaries.

28. At the Court, the Trust Fund maintained contacts with various sections, notably [REDACTED], in order to prepare and conduct the relevant missions, including a mission of two legal staff members to Bunia that started on 17 May 2021. In addition, a further mission is planned for mid-July to strengthen the consultation process necessary in the field.

29. Further, in order to complement the in-house expertise, the Trust Fund reached out to several professionals with recognised aptitude in various relevant fields, notably their in-depth knowledge of dynamics in Ituri, or their extensive experience in providing physical and psychological rehabilitation to victims of the conflict. One expert in particular expressed his satisfaction as to the fact that the Trust Fund is deploying activities quickly and ensuring to consult with the communities from the inception of the activities, while insisting that the dire security situation makes it hardly feasible to travel on the road leading to Mongbwalu and, accordingly, from or to the territory of the communities of the Victims of the Attacks.

30. The Trust Fund has put a strong emphasis on consultations with the affected communities in the preparation of the DIP, to ensure that reparations are transformative and provide concrete redress to the harms suffered. Redress can only be achieved when beneficiaries understand the measures proposed, develop ownership and take agency of the measures. While to date the Trust Fund was not yet able to talk with leaders of the communities of Victims of the Attacks, the present plan was developed by consulting not only the LRVs (as

well as the submissions they filed prior to the Reparations Order) and local experts, but also a number of local partners, who are in constant contact with potential victims.

31. Further, in order to support the process of reaching out to victims who could not be assisted yet, the Trust Fund is currently putting together a network of intermediaries [REDACTED].

V. REPORT ON THE SECURITY SITUATION

1. Security Situation

32. As the Trial Chamber pointed out in the Reparations Order, the security situation in Ituri is extremely volatile. In this regard, the Trust Fund would like to provide a brief overview of factors directly affecting the preparation of the DIP as well as a proposed mitigating strategy.

33. The Trust Fund is closely following security developments, including through its staff deployed in Bunia, and information provided by the CAU.

34. Since December 2017, recurrent violent conflict has plagued Ituri. The latest surge of violence started in March 2020, severely affecting Djugu territory, and leading to the displacement of a large number of people, some to Uganda and most to Bunia.

35. On 1 May 2021, DRC President Tshisekedi declared martial law, in accordance with article 85 of the DRC Constitution, in the provinces of Ituri and North Kivu. Effective from 6 May 2021 for an initial period of 30 days, the order replaces the provincial government with military administration.

36. Increased military presence was deployed in Ituri with a view of securing the region and, in particular, the roads. In May 2021, the army conducted sweep operations on the road leading to Uganda so as to secure it and to allow merchandise transport to resume. The presence of the army has also led to a significant improvement of the situation on the axis of Bogoro, Tchomia and Kasenyi, as reported by the Country Office. The road from Bunia crossing villages relevant to the Reparations Order and leading to Mongbwalu remains to be secured by the army.

37. The security situation shows signs of improvement, but remains volatile. [REDACTED].⁴¹

⁴¹ Email from JTAG to the Trust Fund on 7 June 2021, at 16:23.

38. The Country Office is upholding security measures suspending all activities of staff members outside of Bunia centre.

2. Mitigation measures

39. In light of the above, the Trust Fund has developed and is currently developing a number of mitigating strategies. It is to be noted that in light of the volatility of the situation, these must constantly be adjusted.

40. The main issues faced by the Trust Fund are: (i) the security situation is such that its staff cannot travel to most of the locations relevant to the Reparations Order; and (ii) as a result of the displacement caused by the conflict, the LRVs themselves – similarly to the Trust Fund – do not manage to get in contact with many of their clients.

41. In respect of the insecurity on the roads, the Trust Fund’s general approach is to not request potential beneficiaries from insecure areas (currently, the road to Mongbwalu belongs to that area) to travel towards Bunia themselves to meet with the Trust Fund as they would be equally exposed. The Trust Fund keeps monitoring the security situation in order to adjust to any changed circumstances (such as secured roads).

42. Most importantly, as a mitigating strategy to both these issues, the Trust Fund is relying on its extensive network in Ituri to have access to locations otherwise entirely inaccessible. [REDACTED].

43. While the security situation in Uganda is better, travel is unforeseeable due to a current increase in Covid-19 cases. Therefore, a planned TFV mission (with the support of Country Office staff) for June 2021 to an accessible refugee camp in Uganda, where victims of the crimes committed by Mr Ntaganda may reside, and to Mahagi, DRC (via Uganda), has been cancelled. The expectation is that such a mission can take place by the end of July 2021. However, the Trust Fund is also still in the process of determining how to best access the area of Uganda where most refugees from Ituri reside.

VI. REPORT ON BOARD OF DIRECTOR’S DECISION ON REGULATION 56 OF THE TFV REGULATIONS

44. The Trial Chamber ordered the award for reparations against Mr Ntaganda to be made through the Trust Fund in accordance with rule 98 (3) of the Rules of Procedure and Evidence (“Rules”) and thereby, pursuant to regulation 50 (b) of the TFV Regulations, seized the Trust Fund of the implementation of this Reparations Order. The Trial Chamber also held that Mr

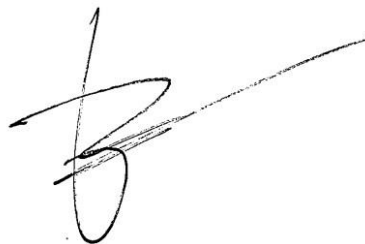
Ntaganda is indigent. As there are no resources available, at this point in time, from the convicted person, regulation 56 of the TFV Regulations provides that it is for the Board of Directors of the Trust Fund to decide whether to complement the “resources collected through awards for reparations with ‘other resources of the Trust Fund’” and “advise the Court accordingly”. The Trial Chamber encouraged the Board of Directors to complement the payment of the reparation award.

45. The Board of Directors of the Trust Fund met on 27 May 2021 and considered the complement to the payment of the awards in the *Ntaganda* case. The Board of Directors will make a separate announcement on the decision taken. The Trust Fund will report on it to the Trial Chamber.

VII. REQUESTS

The Trust Fund respectfully requests the Trial Chamber

- to approve the Initial Draft Implementation Plan with focus on Priority Victims as included in Annex A;
- Provide clarifications on the issue of appropriate representation of unrepresented victims with applications forms, as set forth in paragraphs 18 and 86 of Annex A;



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 8 June 2021
At The Hague, The Netherlands