

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 July 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

Decision on the TFV's initial draft implementation plan with focus on priority victims

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:**Legal Representatives of Victims**

Ms Sarah Pellet
Ms Anna Bonini

Mr Dmytro Suprun
Ms Anne Grabowski

Counsel for Bosco Ntaganda

Mr Stéphane Bourgon

Unrepresented Victims**Unrepresented Applicants for Participation/Reparation****The Office of Public Counsel for Victims**

Ms Paolina Massidda

The Office of Public Counsel for the Defence**States' Representatives***Amicus Curiae***REGISTRY****Registrar**

Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Others

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘Ntaganda case’), having regard to articles 75 and 79 of the Rome Statute (‘Statute’), Rule 98 of the Rules of Procedure and Evidence (‘Rules’), Regulation 81(4)(a) and (b) of the Regulations of the Court (‘Regulations’), and Regulations 47 to 50 of the Regulations of the Trust Fund for Victims (‘Regulations of the TFV’), issues this Decision on the TFV’s initial draft implementation plan with focus on priority victims (the ‘Decision’).

I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI (the ‘Chamber’), in charge of the case at the time, delivered the Reparations Order,¹ *inter alia*, directing the Trust Fund for Victims (‘TFV’) to submit and urgent plan for priority victims by 8 June 2021, at the latest.²
2. On 8 June 2021, the TFV submitted the initial draft implementation plan with focus on priority victims (the ‘IDIP’).³
3. As instructed by the Chamber,⁴ on 23 June 2021, the Legal Representatives of Victims (‘LRVs’, respectively the ‘CLR1’⁵ and the ‘CLR2’⁶),⁷ the Defence,⁸ and the Registry⁹ submitted their observations on the IDIP (‘Observations’). In general terms, all parties and the Registry oppose the IDIP and/or suggest that it should be substantially clarified and amended.¹⁰

¹ Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Reparations Order (‘Reparations Order’), 8 March 2021, [ICC-01/04-02/06-2659](#).

² Reparations Order, [ICC-01/04-02/06-2659](#), p. 97.

³ Report on Trust Fund’s Preparation for Draft Implementation Plan (notified on 9 June 2021), ICC-01/04-02/06-2676-Conf, with Annex A, Initial Draft Implementation Plan with focus on Priority Victims, ICC-01/04-02/06-2676-Conf-AnxA (a corrigendum was filed on 14 June 2021 and a public redacted version of the cover filing and annex were filed on 15 June 2021, [ICC-01/04-02/06-2676-Red](#) and [ICC-01/04-02/06-2676-AnxA-Corr-Red](#)) (the ‘IDIP’).

⁴ Order for the submission of observations on the initial draft implementation plan with focus on priority victims, 10 June 2021, [ICC-01/04-02/06-2677](#).

⁵ Common Legal Representative of the former child soldiers.

⁶ Common Legal Representative of the victims of the attacks.

⁷ Observations of the Common Legal Representative of the Victims of the Attacks on the Trust Fund for Victims’ Draft Initial Implementation Plan, 23 June 2021, ICC-01/04-02/06-2680-Conf (a public redacted version was filed on 28 June 2021, [ICC-01/04-02/06-2680-Red](#)) (‘CLR2 Observations’); and Response of the Common Legal Representative of the Former Child Soldiers to the TFV Initial Draft Implementation Plan with focus on Priority Victims, 23 June 2021, [ICC-01/04-02/06-2681](#) (‘CLR1 Observations’).

⁸ Defence Observations on the TFV initial draft implementation plan, 23 June 2021, ICC-01/04-02/06-2682-Conf (‘Defence Observations’).

⁹ Registry Observations on the Trust Fund for Victims’ Initial Draft Implementation Plan, 23 June 2021, [ICC-01/04-02/06-2683](#) (‘Registry Observations’).

¹⁰ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 2; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 4; Defence Observations, ICC-01/04-02/06-2682-Conf, paras 2, 7; Registry Observations, [ICC-01/04-02/06-2683](#), para. 20.

4. As authorised by the Chamber,¹¹ on 28 June 2021 the TFV submitted a reply ('Reply'),¹² *inter alia*, clarifying the intended scope of the IDIP and the TFV's overall approach therein.

II. ANALYSIS

a) Scope of the IDIP and intended beneficiaries

5. In the Reparations Order, the Chamber adopted the principle of 'prioritisation',¹³ according to which, although all victims are to be treated fairly and equally, priority may need to be given to certain victims who are in a particularly vulnerable situation or require urgent assistance.¹⁴ The Chamber further indicated that, '[w]hen determining priorities, attention should be given to individuals who require immediate physical and/or psychological medical care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers.'¹⁵

6. Similarly, when determining specific rules of prioritisation in the present case, the Chamber stressed that '*priority ought to be given to victims who are in a particularly vulnerable situation or require urgent assistance*', referring in particular to the same groups of victims mentioned above.¹⁶ Within that context, the Chamber ordered the TFV to submit 'an initial draft implementation plan *focused exclusively* on the options for *addressing the most urgent*

¹¹ Email from the Chamber's Legal Officer to the TFV, the parties, and the Registry, 24 June 2021, 17:43 hrs.

¹² Observations on the responses and observations submitted on the Initial Draft Implementation Plan, 28 June 2021, ICC-01/04-02/06-2687-Conf (a public redacted version was filed on the same day [ICC-01/04-02/06-2687-Red](#)) ('TFV Reply').

¹³ Reparations Order, [ICC-01/04-02/06-2659](#), paras 92-93. See also Trial Chamber I, *Prosecutor v. Thomas Lubanga Dyilo*, Decision establishing the principles and procedures to be applied to reparations, 7 August 2012, [ICC-01/04-01/06-2904](#) ('Lubanga Reparations Decision'), para. 200; Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against the 'Decision establishing the principles and procedures to be applied to reparations' of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2, 3 March 2015, [ICC-01/04-01/06-3129](#) ('Lubanga Judgment on Principles'), Annex A, Order for Reparations (amended), [ICC-01/04-01/06-3129-AnxA](#) ('Lubanga Amended Reparations Order'), para. 19; Trial Chamber II, *Prosecutor v. Germain Katanga*, Order for Reparations pursuant to Article 75 of the Statute (with public Annex I and confidential ex parte Annex II), 24 March 2017, [ICC-01/04-01/07-3728](#) ('Katanga Reparations Order'), para. 310; Trial Chamber VIII, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Reparations Order, 17 August 2017, [ICC-01/12-01/15-236](#) ('Al Mahdi Reparations Order'), para. 140.

¹⁴ Reparations Order, [ICC-01/04-02/06-2659](#), para. 92.

¹⁵ Reparations Order, [ICC-01/04-02/06-2659](#), para. 93 [emphasis added].

¹⁶ Reparations Order, [ICC-01/04-02/06-2659](#), para. 214 [emphasis added].

needs of victims that require priority treatment'.¹⁷ Accordingly,¹⁸ the IDIP should focus exclusively on the most urgent needs of victims.¹⁹

7. The timing for the issuance of the Reparations Order aimed at contributing to more expeditious reparations proceedings, taking into account '(i) the victims' right to prompt reparations; (ii) that the crimes [...] took place almost two decades ago and most victims have received little to no assistance so far; and (iii) that, due to their particular vulnerability, some victims may require urgent assistance'.²⁰ Within that context, the instruction to the TFV to 'focus exclusively' on the 'most urgent needs of victims that require priority treatment' is to be understood as requiring a plan capable of providing urgent assistance to the relevant victims.²¹ The urgent needs are those for which the victims need to receive immediate physical and/or psychological medical care, and/or support due to financial hardship that endangers the person's life.²²

8. The Chamber further notes that, as submitted by the TFV,²³ and agreed by the parties,²⁴ the IDIP is an interim and emergency measure aimed at addressing the needs of the victims requiring urgent assistance pending the development and implementation of the full DIP. Accordingly, the Chamber stresses that the IDIP should be operational and the victims should be able to benefit from its projects during the time-period between the IDIP's approval and the effective implementation of the DIP.

9. As to the victims that should benefit from the IDIP's projects, the Chamber reiterates that the IDIP's purpose is not to initiate the implementation of reparations for all priority victims, but to take the necessary measures to address, in the interim, the most urgent needs of vulnerable victims that require priority treatment.

¹⁷ Reparations Order, [ICC-01/04-02/06-2659](#), para. 252 [emphasis added].

¹⁸ As noted by the Defence, to a certain extent by the CLR1, and clarified by the TFV, *see* Defence Observations, ICC-01/04-02/06-2682-Conf, paras 3, 19-25; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 13; and TFV Reply, [ICC-01/04-02/06-2687-Red](#), paras 6, 9.

¹⁹ Reparations Order, [ICC-01/04-02/06-2659](#), para. 252.

²⁰ Reparations Order, [ICC-01/04-02/06-2659](#), para. 5.

²¹ Defence Observations, ICC-01/04-02/06-2682-Conf, para. 25.

²² *See* CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 16, similarly referring to 'mental issues, physical and/or economic issues that put their lives at immediate risk'.

²³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 2(b).

²⁴ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 17; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 14; Defence Observations, ICC-01/04-02/06-2682-Conf, paras 24-25.

b) Elements of the IDIP

10. In the Reparations Order, the Chamber set forth the elements that the DIP should include, namely (i) the objectives, outcomes, and activities identified as necessary to give effect to the Reparations Order; (ii) the reparation projects the TFV intends to develop, indicating the details of the proposed collective awards, each of the collective projects with individualised components, and the modalities of reparations considered appropriate to address each of the harms; (iii) the methods of implementation, steps to be taken, direct and indirect costs, the expected amount that the TFV will use to complement the awards, and the expected timeline necessary for the projects' development and implementation; and (iv) a detailed proposal as to the way in which it expects to conduct the administrative eligibility assessment.²⁵ In addition, The Chamber stated that, to the extent possible, the TFV should resort to pre-existing structures, programmes, and partners to optimise the costs of implementation of reparations.²⁶

11. Regarding the IDIP, the Chamber primarily emphasised that it should exclusively focus on the options for addressing the most urgent needs of victims that require priority treatment, relying as much as possible on existing mechanisms, identified intermediaries, and partnerships already established.²⁷

12. The Chamber notes that prior jurisprudence on the elements of a DIP is instructive.²⁸ In general terms, other chambers have focused on determining (i) whether the TFV's proposals, in terms of measures, objectives, and outcomes were responsive to the reparations orders and/or whether they corresponded to the victims' expectations and needs;²⁹ and (ii) whether the DIP included concrete projects that would respond to the types and modalities set forth in the

²⁵ Reparations Order, [ICC-01/04-02/06-2659](#), paras 249, 253.

²⁶ Reparations Order, [ICC-01/04-02/06-2659](#), para. 249.

²⁷ Reparations Order, [ICC-01/04-02/06-2659](#), para. 252.

²⁸ See, Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Order instructing the Trust Fund for Victims to supplement the draft implementation plan, 9 February 2016, [ICC-01/04-01/06-3198-tENG](#), paras 20-23; Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Order instructing the Trust Fund for Victims to Submit Information regarding Collective Reparations ('Lubanga Order Collective Reparations'), [ICC-01/04-01/06-3262](#), para. 13; Trial Chamber II, *Prosecutor v. Germain Katanga*, Decision approving the Implementation of Individual Reparations and instructing the Trust Fund for Victims to Transmit to it Additional Information on the Implementation of Collective Reparations ('Katanga Decision to supplement collective reparations plan'), 12 October 2017, ICC-01/04-01/07-3768-Conf-tENG, para. 10; Trial Chamber VIII, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on Trust Fund for Victims' Draft Implementation Plan for Reparations ('Al Mahdi Decision on DIP'), 12 July 2018, [ICC-01/12-01/15-273-Red](#), paras 98-101; Trial Chamber VIII, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Decision on the Updated Implementation Plan from the Trust Fund for Victims ('Al Mahdi Decision on UIP'), 4 March 2019, [ICC-01/12-01/15-324-Red](#), para. 14.

²⁹ See, for instance, *Katanga* Decision to supplement collective reparations plan, ICC-01/04-01/07-3768-Conf-tENG, para. 10; *Al Mahdi* Decision on DIP, [ICC-01/12-01/15-273-Red](#), paras 98-101.

reparations orders, including a sufficient description of the projects, timeline, and costs.³⁰ The Chamber however agrees with the CLR1 that the IDIP does not need to comply with all requirements of a full DIP.³¹

13. In the present case, the TFV relied on the guidance of the Reparations Order and the Court's jurisprudence, particularly referring to the *Al Mahdi* case,³² and provided information on:

- (i) who it considered to be priority victims requiring urgent reparations;
- (ii) existing projects, partners, and mechanisms that it identified as suitable to address the harm of priority victims; and
- (iii) specific proposals per category of priority victims, detailing:
 - a. the harm to be addressed;
 - b. the proposed measures to address the harm;
 - c. the expected objectives and outcomes of the measure(s);
 - d. the proposed administrative eligibility assessment;
 - e. proposed activities; and
 - f. timeline.³³

14. In its Reply, the TFV further elaborated on, *inter alia*, the way in which the IDIP intends to address the urgent needs of priority victims, by adding more clarity on what the urgent needs of priority victims are and how the proposed projects may address them.³⁴

15. The Chamber notes³⁵ that the IDIP contains some information on the proposed measures, objectives, and expected outcomes, as required within the first element of the DIP, as instructed by the Chamber. In addition, although the information regarding the amount of money the TFV expects to complement for the purposes of the IDIP and its manner of

³⁰ *Lubanga* Order Collective Reparations, [ICC-01/04-01/06-3262](#), para. 13; *Katanga* Decision to supplement collective reparations plan, ICC-01/04-01/07-3768-Conf-tENG, paras 11-12; *Al Mahdi* Decision on UIP, [ICC-01/12-01/15-324-Red](#), para. 16.

³¹ CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 15.

³² Report on Trust Fund's Preparation for Draft Implementation Plan (notified on 9 June 2021), ICC-01/04-02/06-2676-Conf, para. 23.

³³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 13-18, 19-42, 47-94.

³⁴ TFV Reply, [ICC-01/04-02/06-2687-Red](#), paras 5-17.

³⁵ See also CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), paras 2, 48-57; CLR1 Observations, [ICC-01/04-02/06-2681](#), paras 4, 27, 41; Defence Observations, ICC-01/04-02/06-2682-Conf, paras 2, 7, 8, 10; Registry Observations, [ICC-01/04-02/06-2683](#), paras 7, 9, 20.

distribution is limited,³⁶ based on the information provided, the Chamber understands that the TFV will complement the award initially at this stage with € 300,000.00, by increasing the budget of each assistance program for up to €150,000.00.³⁷ However, in other aspects, such as the proposed projects and activities, steps to be taken, direct and indirect costs, and timeline for implementation, the information provided is insufficient.³⁸ Nonetheless, following the clarifications and additional details provided by the TFV in its Reply, the Chamber considers that the TFV has provided sufficient information to allow the Chamber to consider the merits of the IDIP's proposals overall.

16. The Chamber has taken into account the context in which these reparation proceedings take place, with the crimes having been committed almost two decades ago and most victims having received little to no assistance so far. Balancing the rights and interests at stake, and in order to avoid further delays, the Chamber has therefore determined that it is not in the interests of the victims to order the TFV to submit an amended IDIP, as that would inevitably lead to additional delays. However, the Chamber instructs the TFV to provide in its next report the additional information, including the proposed activities, steps to be taken, direct and indirect costs of the specific projects to be undertaken, the estimated number of victims that can be gradually benefited therein, a clear timeline for the IDIP's implementation, and any additional amount that the TFV expects to use to complement the awards and finance the IDIP.

c) Proposed projects to address the most urgent needs of priority victims

17. In the Reparations Order, the Chamber instructed the TFV to optimise the cost of implementation of reparations 'to the extent possible, [by] resort[ing] to pre-existing structures, programmes, and partners'.³⁹ Similarly, for the IDIP, the Chamber directed the TFV to rely 'as much as possible on existing mechanisms, identified intermediaries, and partnerships already established'.⁴⁰

18. In the IDIP, the TFV recognises that relying on existing projects and partners allows it to act swiftly and maintain control over the implementation of the proposed measures.⁴¹ In compliance with the Chamber's instructions, the TFV proposes to address the needs of priority

³⁶ See, CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), paras 40, 42, 56.

³⁷ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 38; TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 7.

³⁸ The Chamber notes that the overall structure adopted by the TFV for its filing leads to unnecessary repetitions, while in other respects the IDIP is unclear and lacks specificity.

³⁹ Reparations Order, [ICC-01/04-02/06-2659](#), para. 249.

⁴⁰ Reparations Order, [ICC-01/04-02/06-2659](#), para. 252.

⁴¹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 20.

victims by granting them access to rehabilitation services and other forms of redress available under existing TFV structures. In particular, the TFV proposes:

- (i) **to address comprehensively all different kinds of harm suffered by the direct and indirect victims of crimes against child soldiers**, by using the *Lubanga* service-based and planned symbolic reparations programme.⁴² The *Lubanga* service-based reparation programme is active in the five territories within the Ituri Province (Mambasa, Irumu, Djugu, Mahagi and Aru) and provides services aimed at ensuring that the various kinds of harm are addressed at individual level according to the victims' needs, including: physical and psychological rehabilitation; various forms of socio-economic reparations, such as vocational training, assistance with income-generating activities, and payment of school fees and pensions;⁴³
- (ii) **to address the specific harm of child soldiers who are victims of rape and sexual slavery and children of child soldiers born out of rape and sexual slavery, with the aim of allowing them to 'regain their life-plan and livelihood'**, by creating a residual *Ntaganda* sexual and gender-based violence ('SGBV') project, as an annex to the *Lubanga* reparation programme, and in the interim – until the residual *Ntaganda* SGBV project is operational, which is expected to take about six to nine months after the development of a scope of work⁴⁴ – use the existing assistance project 'Psychosocial and socio-economic reintegration of girl-mothers of the wars in Ituri'.⁴⁵ As to the services included:
 - a. the residual *Ntaganda* SGBV project should include specialised medical treatments, individual and group counselling, and socio-economic reintegration, including vocational training, material support and educational assistance.⁴⁶ In order to determine the concrete measures to properly address the specific harm suffered by SGBV victims, the TFV proposes to conduct consultations with the CLR1, the implementing partner, and the victims themselves, during July and August 2021;⁴⁷ and

⁴² IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 47-63.

⁴³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 31.

⁴⁴ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 68(a).

⁴⁵ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 65-71.

⁴⁶ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 69.

⁴⁷ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 71.

- b. the existing assistance project ‘Psychosocial and socio-economic reintegration of girl-mothers of the wars in Ituri’, in place since May 2020 in the Irumu territory, is currently conducting the following activities: identifying and documenting beneficiaries, referring them to health facilities for screening and appropriate medical and psychosocial assistance; conducting family mediations, facilitating social reintegration, economic reintegration by providing microcredit/microfinance for small business and distribution of income-generating activities (‘IGA’) kits after vocational training; referring vulnerable children to schools, providing capacity strengthening of community mechanisms, sensitisation training on early marriage, peace, education and conflict management, and conducting temporary nurseries for children during literacy courses and vocational training. This program would be able to include about 120 new beneficiaries;⁴⁸ and
- (iii) **to partly redress the harm suffered by the priority victims of the attacks, allowing them to arrive in a position where they can sustain themselves and can await more comprehensive reparations**, by using the relevant rehabilitation services and other forms of redress provided under another TFV assistance project.⁴⁹ This program has also been in place since 1 May 2020, in Ituri, benefiting war crime victims by providing them with: medical assistance, including referrals for orthopaedic services, surgery, physiotherapy, and care for persons living with HIV/AIDS; psychosocial rehabilitation, including counselling, psychological follow up and monitoring before and after medical referrals, psychoeducational sessions for families on symptoms, causes and consequences of trauma, and capacity-building by training community leaders on psychotherapy; socioeconomic reintegration, including by providing training, monitoring, and support to beneficiaries on entrepreneurship and the management of IGAs.⁵⁰ Although, the TFV plans to add 60 new beneficiaries to this project, only 30 additional victims can be incorporated at this stage.⁵¹ The Chamber further notes that the TFV clarified in its Reply that the main focus of this project is ‘to provide rather expensive medical treatment to beneficiaries with urgent medical needs, but it also addresses urgent psychological and material needs of beneficiaries’.⁵²

⁴⁸ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 33-34.

⁴⁹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 72-75.

⁵⁰ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 35.

⁵¹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 22, 35, 74.

⁵² TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 10.

19. The Chamber recalls that dignity, non-discrimination, and non-stigmatisation, as well as the do no harm principles are among the key principles that should guide the design and implementation of reparations in the case.⁵³ In compliance with these principles, victims should, *inter alia*, be treated fairly and equally during the reparation process,⁵⁴ reparations awards must avoid creating tensions, jealousy, or animosity among victims,⁵⁵ and access to reparation by victims shall not lead to further or secondary victimisation, create or exacerbate security concerns or tensions among communities, and victims should not be endangered or stigmatised as a result.⁵⁶

20. On the basis of the submissions, as noted by the CLR2,⁵⁷ the Chamber considers that the TFV's proposed measures and intended outcome do not appear to fully guarantee equal treatment among the different groups of victims who experience similar urgent needs. Consequently, the approach proposed may lead to unintended consequences such as creating or fuelling tensions, jealousy, or animosity among the different groups of victims. In particular, the Chamber notes that the TFV's proposal may create an appearance of hierarchy and different treatment between the victims of the crimes against the former child soldier and victims of the attacks, with the former receiving reparations aimed at addressing comprehensively their harm and the latter being provided with redress for their most urgent needs only.⁵⁸

21. Moreover, as noted by the CLR1,⁵⁹ the Chamber is concerned that the proposed measures may create confusion and unduly raise the victims' expectations, particularly considering that the *Lubanga* service-based reparations programme does not seem to currently have the actual capacity to swiftly respond to the urgent needs of the *Ntaganda* victims. Similarly, as noted by the CLR1 and the Defence,⁶⁰ the proposed creation of a residual *Ntaganda* SGBV project as an annex to the *Lubanga* reparation programme would not be operational in the near future as the scope of work still needs to be developed. The TFV's suggestion to resort to a single source procurement would nevertheless add an extra six to nine months after the development of the scope of work.⁶¹ Lastly, as noted by the CLR1,⁶² the

⁵³ Reparations Order, [ICC-01/04-02/06-2659](#), paras 41-44, 50-52.

⁵⁴ Reparations Order, [ICC-01/04-02/06-2659](#), para. 41.

⁵⁵ Reparations Order, [ICC-01/04-02/06-2659](#), para. 44.

⁵⁶ Reparations Order, [ICC-01/04-02/06-2659](#), para. 51.

⁵⁷ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), paras 18-20, 24, 41-42, 51.

⁵⁸ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 55, 69, 75.

⁵⁹ CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 38.

⁶⁰ CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 29; Defence Observations, ICC-01/04-02/06-2682-Conf, para. 65.

⁶¹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 68(a).

⁶² CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 39.

proposal to resort to symbolic reparation programmes in the *Lubanga* case does not seem to appropriately respond to the urgent needs of priority victims and, in any case, they are not expected to be implemented in the near future.

22. In light of the above, the Chamber considers that neither the service-based and symbolic reparations programmes in the *Lubanga* case nor the residual *Ntaganda* SGBV project are adequate to efficiently and effectively address, on an emergency basis, the most urgent needs of victims that require priority treatment. Accordingly, these sections of the TFV's IDIP proposal are not approved.

23. As to the remaining two assistance projects, the Chamber notes that all participants agree on the need to clearly distinguish the reparation measures deriving from the *Ntaganda* Reparations Order from the assistance projects generally aimed at the victims of the crimes under the jurisdiction of the Court.⁶³ The Chamber stresses that, in accordance with the Statutory framework,⁶⁴ the TFV's dual mandate to (i) implement Court ordered reparations, and (ii) provide assistance to victims of the crimes under the jurisdiction of the Court, needs to be clearly distinguished.⁶⁵ Whereas the former is linked to or limited by the parameters of a conviction in a specific case before the Court,⁶⁶ the latter is not 'contingent to' or 'funded by' Court-ordered reparations,⁶⁷ and is independent of a trial or its outcome.⁶⁸

⁶³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 27-29; CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), paras 32-33; CLR1 Observations, [ICC-01/04-02/06-2681](#), paras 31-32; Defence Observations, ICC-01/04-02/06-2682-Conf, paras 66-67; Registry Observations, [ICC-01/04-02/06-2683](#), paras 18-19.

⁶⁴ See, in particular, article 79 of the Statute, rule 98 of the Rules, and regulations 47, 48, and 50 of the Regulations of the TFV.

⁶⁵ The TFV's dual mandate is also in conformity with other international instruments that guarantee the victims' right to adequate, effective and prompt reparations for the harm they may have suffered, while differentiating it from humanitarian or social assistance and developmental aid serve that different purposes. On the victims' right to reparations, see United Nations (UN), General Assembly Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 16 December 2005, [UN Doc A/RES/60/147](#), paras 11, 16; UN, Economic and Social Council ('UNESCO'), Set of Principles for the Protection and Promotion of Human Rights through action to Combat Impunity, 2 October 1997, [E/CN.4/Sub.2/1997/20/Rev.1](#), paras 40-42. On the distinction between reparations and assistance, see [Nairobi Declaration of the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence](#), International Meeting on Women's and Girls' Right to a Remedy and Reparation, Nairobi, 19 to 21 March 2007, principle 3(B); Report of the Special Rapporteur on the Promotion of truth, justice, reparation and guarantees of non-recurrence, 14 October 2014, [A/69/518](#), paras 10-11.

⁶⁶ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 182.

⁶⁷ *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), para. 108.

⁶⁸ Trial Chamber III, *Prosecutor v. Jean-Pierre Bemba Gombo*, Final Decision on the reparations proceedings, 3 August 2018, [ICC-01/05-01/08-3653](#), paras 6, 11.

24. Notwithstanding the above, as noted by the LRVs,⁶⁹ the Chamber considers that the use by the TFV of pre-existing structures and implementing partners in charge of assistance projects is adequate, as an emergency response for victims who have waited for almost 20 years and so far have received no relief or assistance for the harm they suffered.⁷⁰ In the view of the Chamber, at this stage of the reparation proceedings and until the main reparations structures and programmes in the case are operational, the use of the two assistance projects proposed by the TFV appears to be the most efficient and expeditious response to the urgent needs of victims that require priority treatment. Accordingly, the TFV's proposal to use the two existing assistance projects in place since May 2020 is approved, subject to the conditions set out below.

25. Firstly, as suggested by the TFV and the LRVs,⁷¹ a clear budgetary and administrative distinction should be made within the assistance projects in order to separately account for the services provided to the victims of the crimes for which Mr Ntaganda was convicted ('*Ntaganda* victims'), as opposed to, more generally, victims of the crimes under the jurisdiction of the Court in the Democratic Republic of the Congo ('situation victims').

26. Secondly, as some *Ntaganda* victims who require urgent assistance will benefit from the same assistance projects, related mechanisms, and services which are available to situation victims, it is crucial to provide to the *Ntaganda* victims with relevant information to assist them managing their legitimate expectations, allowing them to make fully informed choices, and avoid generating feelings of frustration and disappointment, or creating further harm.⁷² The IDIP's implementation should therefore be accompanied by a targeted and consistent information campaign aimed at clearly explaining to the victims and their communities that the *Ntaganda* victims who experience urgent needs are not 'merely' incorporated into assistance programmes – of which they could, theoretically, have benefited much earlier – but, on the contrary, that they are given priority to address their needs on an urgent basis as an emergency initial response until the reparations programmes they will benefit from are fully operational.

27. Thirdly, the two assistance projects to be resorted to should be supplemented as necessary in order to meaningfully address the most urgent needs of priority victims. In

⁶⁹ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 29; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 31.

⁷⁰ As stressed by the Appeals Chambers in its recent Decision on the Defence request for suspensive effect, 2 July 2021, [ICC-01/04-02/06-2691](#), para. 25. *See also* CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 57; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 2.

⁷¹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 28-29; CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 33; CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 32.

⁷² Registry Observations, [ICC-01/04-02/06-2683](#), para. 18; CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 53.

particular, the Chamber notes that, in its proposal, the TFV indicated that the services directed at the physical and psychological care of victims provided as part of the assistance projects consisted of ‘medical referrals’ to health facilities for appropriate medical or psychological care,⁷³ as opposed to actual services providing victims with full physical and psychological rehabilitation.⁷⁴ The Chamber notes that the TFV clarifies in its Reply that the assistance project proposed for the benefit of the victims of the attacks aims at providing ‘rather expensive medical treatments to beneficiaries with urgent medical needs’.⁷⁵ In order to meaningfully address the most urgent needs of priority victims, the Chamber expects that medical and psychological treatment are provided to the IDIP victims within the context of both assistance projects, as opposed to simply referrals to health facilities. In case the urgent needs of some victims cannot be properly addressed within the scope of work of the selected assistance projects, the TFV should consider implementing directly urgent measures itself, similarly to the way it operates in the *Katanga* case.⁷⁶

28. Fourthly, as noted by the CLR2,⁷⁷ former child soldiers and victims of the attacks shall not be placed within the same programmes. The Chamber agrees that, in order to avoid exacerbating conflicts and animosities between the different groups of victims and to prevent further victimisation, these victims should indeed be separated. The TFV should make the necessary arrangements for the priority victims of crimes against child soldiers in need of urgent assistance to participate of the first assistance project, referred above at paragraph 18(ii)(b), and for the priority victims of the attacks in need of urgent assistance to participate in the second assistance project, referred above at paragraph 18(iii).

29. Fifthly, given the limited number of victims that could be immediately incorporated into the two proposed assistance projects – 120 places in the project to be resorted to for the victims against child soldiers⁷⁸ and 30 places in the project to be used for the victims of the attacks⁷⁹ – in line with the Reparations Order, the TFV is encouraged to follow a phased and flexible approach, expanding the projects capacities as funds become available.⁸⁰ Accordingly, enrolment in the projects could be phased as follows: (i) in the first place, priority victims in urgent need who participated in the trial proceedings; (ii) in the second place, priority victims

⁷³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 33, 35.

⁷⁴ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 31.

⁷⁵ TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 10.

⁷⁶ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 19.

⁷⁷ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 37.

⁷⁸ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 34.

⁷⁹ TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 11.

⁸⁰ Reparations Order, [ICC-01/04-02/06-2659](#), para. 257.

in urgent need identified so far - because they have submitted applications forms or were registered as new potential beneficiaries - but who did not participate in the trial proceedings; iii) and lastly, other not yet identified priority victims who may have urgent needs.

30. Lastly, within the framework of the conditions and instructions set out above, the TFV should continue developing its IDIP⁸¹ and reporting accordingly and regularly to the Chamber on the details of its implementation. A concrete plan for the IDIP implementation and a timeline for its phased approach shall be included in the next report.

d) Administrative eligibility assessment

31. In order to enable the identification of eligible victims, in the Reparations Order the Chamber set out the eligibility criteria for reparations – by reference to the territorial, temporal, and subject matter scope of the crimes for which Mr Ntaganda was convicted – and established the relevant standard and burden of proof to be applied when determining eligibility.⁸² The eligibility assessment, aimed at determining the individuals among the potential victims who may qualify to benefit from reparations in the case, shall be made in accordance with the eligibility criteria and the standard and burden of proof as set out in the Reparations Order. The eligibility assessment ensures that reparations are granted only to victims of the crimes for which Mr Ntaganda was convicted.

32. In addition, in light of the IDIP's scope and in order to ensure that the victims participating therein qualify to have their urgent needs addressed first as an emergency response, a further screening as to the urgent needs of victims (the 'urgency screening') needs to be conducted. The urgency screening serves to determine whether any of the victims requiring priority treatment are currently in a situation in which they need to receive immediate physical and/or psychological medical care, and/or support due to financial hardship that endangers their life. The urgency screening should be made by applying the same standard and burden of proof as established in the Reparations Order.⁸³

33. Regarding the CLR1's submission that the victims' needs may change over time and therefore the urgency screening should take place at the moment of implementation,⁸⁴ the Chamber agrees that the urgency screening should take place as close as possible to the moment in which the victims will be provided with the relevant emergency services. However, the

⁸¹ TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 31.

⁸² Reparations Order, [ICC-01/04-02/06-2659](#), paras 105-106, 108-128, 136-139, 149-183.

⁸³ See Reparations Order, [ICC-01/04-02/06-2659](#), paras 136-140.

⁸⁴ CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 25.

Chamber stresses and reiterates that the urgent needs of victims to be addressed through the IDIP are only those resulting from the harm suffered as a consequence of the crimes for which Mr Ntaganda has been convicted and for which the victims cannot continue waiting until reparations in the case are fully operational. Following this urgency screening, the victims determined to be eligible to benefit from the emergency response provided within the context of the IDIP should immediately gain access to the relevant assistance programme or TFV direct mechanism and have their urgent needs addressed as a matter of priority.

34. As to the procedural aspects of the administrative eligibility assessment regarding the collective reparations ordered in the present case, the Chamber notes that a consistent approach as to the way in which it should be conducted cannot be discerned across the Court's previous jurisprudence, with chambers enjoying a wide discretion in this regard.⁸⁵ In addition, the Chamber recalls the Appeals Chamber's holding that the relevant legal provisions do not stipulate who should assess eligibility in cases where collective reparations are awarded nor how exactly this should be done.⁸⁶

35. In the present case, the Chamber did not indicate how the eligibility assessment should be conducted, although it exercised its discretion and delegated the identification of victims and the assessment of their eligibility into the TFV.⁸⁷ The Chamber also clearly indicated that the eligibility assessment had to be a 'fair, efficient, and expeditious' process and that the TFV had to take 'into consideration the Registry's capacity to assist.'⁸⁸ The Chamber notes that the TFV's proposes to rely on three different administrative eligibility assessments, depending on the category of victims and harm suffered, involving different types of assessment, and conducted by different entities.⁸⁹

36. The Chamber considers that the TFV's proposal which delegates parts of the assessment to external entities is not appropriate as the Chamber delegated such role into the TFV. Although it may be justified and indeed in certain cases necessary for the TFV to rely on implementing partners for operational reasons, the delegation of the eligibility assessment of

⁸⁵ See Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against Trial Chamber II's 'Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable', 18 July 2019, [ICC-01/04-01/06-3466-Red](#) ('Lubanga Judgment on Size of Reparations Award'), para. 142.

⁸⁶ *Lubanga Judgment on Size of Reparations Award*, [ICC-01/04-01/06-3466-Red](#), paras 138, 140.

⁸⁷ Reparations Order, [ICC-01/04-02/06-2659](#), paras 105, 140, 253. For the trial chamber's discretion to delegate on a case-by-case basis the administrative screening of beneficiaries, even in relation to individual reparations, see Appeals Chamber, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Judgment on the appeal of the victims against the "Reparations Order", 8 March 2018, [ICC-01/12-01/15-259-Red2](#), paras 1, 72.

⁸⁸ Reparations Order, [ICC-01/04-02/06-2659](#), para. 253.

⁸⁹ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 56-59, 70, 76-90; TFV Reply, [ICC-01/04-02/06-2687-Red](#), paras 13, 17-30.

victims, even if appropriately supervised by the TFV, may lead to inconsistencies in the assessment of different groups of victims, and does not appear to be the most efficient and expeditious way to conduct this process. This is all the more so considering the existing capacity and expertise at the Court.⁹⁰

37. Consequently, the Chamber considers that the administrative eligibility assessment should be harmonised, centralised, and similar for all the victims, to avoid a potential different treatment of the victims of the case and inconsistencies of approach.⁹¹ Further, in the view of the Chamber, the parties should have no direct involvement in the eligibility assessment or the urgency screening, although – as detailed below – the LRVs should be available to assist and represent the interests and rights of all potential beneficiaries of reparations. In addition, contrary to the Defence’s submission,⁹² the rights of the convicted person are guaranteed, as the Defence have had the opportunity to challenge the applicable standards of proof and causation and will be able to make submissions on the TFV’s proposed administrative eligibility assessment before its approval.⁹³

38. For these reasons, the Chamber instructs the TFV in its next report to present an alternative proposal for the eligibility assessment and urgency screening of victims to benefit from the IDIP, fully taking into consideration the instructions of the Reparations Order and the additional guidance provided in this Decision. Considering the importance of using all existing resources and expertise available at the Court for the benefit of the victims and in the interests of providing timely relief to them, the Chamber reiterates its view that the TFV should consider whether the administrative eligibility assessment and urgency screening could be carried out by the Registry in whole or in part.⁹⁴

e) Legal Representation of potential beneficiaries

39. The Chamber notes that the TFV requests the Chamber to consider appointing the CLR2 as legal representative for the new victims of the attacks who have submitted applications forms for reparations to the VPRS, even though the judicial proceedings as such

⁹⁰ Registry Observations, [ICC-01/04-02/06-2683](#), para. 11.

⁹¹ See also *Lubanga* Judgment on Size of Reparations Award, [ICC-01/04-01/06-3466-Red](#), paras 164, 169.

⁹² Defence Observations, ICC-01/04-02/06-2682-Conf, paras 9, 53.

⁹³ See *Lubanga* Judgment on Principles, [ICC-01/04-01/06-3129](#), paras 163-168; *Lubanga* Amended Reparations Order, [ICC-01/04-01/06-3129-AnxA](#), para. 66.

⁹⁴ As previously done by the Registry. See Annex I to the Registry’s Second Report on Reparations, ICC-01/04-02/06-2639-Conf-AnXI (public redacted version filed on 10 February 2021), [ICC-01/04-02/06-2639-AnXI-Red](#), paras 1-9.

have concluded.⁹⁵ In turn, the LRVs submit that they should be representing (respectively) not only newly identified victims, but also generally the interests of all the not yet identified eligible victims.⁹⁶ In its observations, the Registry also submits that all potential victims in the present case have the right to legal representation and recommends that any newly identified applicants for reparations be represented by the relevant LRV in the case.⁹⁷

40. The Chamber notes that the victims authorised to participate in the trial proceedings went through a detailed admission process to be authorised to participate in the trial proceedings and obtain legal representation.⁹⁸ At this advanced stage of the reparations proceedings, any newly identified victims can only be considered potential beneficiaries of reparations. After approval of the DIP, the Chamber envisions that its role and therefore litigation before the Chamber will be minimal, with the Chamber solely retaining oversight over the implementation process and inviting and considering submissions only when strictly necessary.⁹⁹ In light of these circumstances, pursuant to Regulation 81(4)(b) of the Regulations, the Chamber considers that the mandate of both LRVs in the case, as OPCV counsel,¹⁰⁰ should be partly extended to allow them to make submissions before the Chamber, whenever necessary to generally represent the interests and the rights of all potential beneficiaries of reparations, during any litigation or judicial proceedings that may arise in the course of the reparations proceedings until the approval of the final DIP.¹⁰¹

41. Lastly, pursuant to Regulation 81(4)(a) of the Regulations, the Chamber orders the LRVs, as OPCV counsel, to provide general support and assistance to any potential beneficiary

⁹⁵ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 18, 86.

⁹⁶ CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 24; CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 47.

⁹⁷ Registry Observations, [ICC-01/04-02/06-2683](#), para. 10.

⁹⁸ For the details of the process and assessments *see, inter alia*, Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Decision on victims' participation in trial proceedings ('Decision on victims' participation'), 6 February 2015, [ICC-01/04-02/06-449](#); Second decision on victims' participation in trial proceedings, 16 June 2015, [ICC-01/04-02/06-650](#), paras 28-32; Fourth decision on victims' participation in trial proceedings, 1 September 2015, [ICC-01/04-02/06-805](#), disposition.

⁹⁹ *See also* *Al Mahdi* Decision on UIP, [ICC-01/12-01/15-324-Red](#), para. 14.

¹⁰⁰ Decision on victims' participation, [ICC-01/04-02/06-449](#), para. 52.

¹⁰¹ For a similar approach, with the OPCV having been appointed to generally represent the interests of victims who have not submitted applications but who may benefit from an award for collective reparations *see* Trial Chamber I, *Prosecutor v. Thomas Lubanga Dyilo*, Decision on the OPCV's request to participate in the reparations proceedings, 5 April 2012, [ICC-01/04-01/06-2858](#), para. 12. Similarly the OPCV has been authorised to appear before chambers to generally represent the interests and the rights of victims in proceedings on matters of general importance and applicability, *see* Trial Chamber I, *Prosecutor v. Thomas Lubanga Dyilo*, Redacted version of "Decision on 'indirect victims'", [ICC-01/04-01/06-1813](#), 8 April 2009, paras 5, 37; Pre-Trial Chamber II, *Situation in the Islamic Republic of Afghanistan*, Decision on the 'Request for Leave to File Amicus Curiae Submissions on Behalf of Human Rights Organizations in Afghanistan' (ICC-02/17-35) and on the 'Request to appear before the Chamber pursuant to regulation 81(4)(b) of the Regulations of the Court' (ICC-02/17-39), 12 June 2019, [ICC-02/17-43](#), paras 5, 7.

during the administrative eligibility assessment and the urgency screening, particularly to those assessed as non-eligible or that do not qualify for assistance pursuant to the IDIP.¹⁰²

f) Implementation, risks mitigation, outreach, and reporting

42. The Chamber notes the remarks put forward by the TFV in relation to the potential risks associated with the IDIP implementation and the proposed mitigation strategies thereof,¹⁰³ and welcomes the TFV's reassurances in response to the concerns raised by the parties,¹⁰⁴ that the implementation of the IDIP is possible in the current security situation.¹⁰⁵

43. In the context of the IDIP, the Chamber considers it essential that all potential beneficiaries, are properly informed as to the scope of IDIP, the available services in the context of assistance projects or direct implementation by the TFV, and the administrative eligibility assessment and urgency screening necessary to access them.¹⁰⁶ In particular, the Chamber notes the CLR2's submission on the need for transparency to effectively manage the legitimate expectations of the victims in a manner that does not create further harm or disappointment,¹⁰⁷ by clearly explaining to the victims and their families, that enrolment into the relevant assistance projects will be gradual and that the fact that some victims are incorporated before others does not mean that any person is favoured.

44. To this end, the Chamber instructs the TFV together with the Registry, including the Public Information and Outreach Section (PIOS), VPRS, and the Field Office, as necessary, to take all required mitigation measures and organise outreach and information campaigns to ensure that victims and their families have access to adequate information and communication throughout the implementation process, including as regards to the IDIP and the DIP.¹⁰⁸

45. The Chamber further reiterates its previous instructions regarding the need for the TFV to make full use of the Registry's capacities and experience,¹⁰⁹ during all aspects of the

¹⁰² For a similar approach, although at a different stage of proceedings, see Pre-Trial Chamber II, *Situation in Uganda*, Decision on victims' applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06, a/0082/06, a/0084/06 to a/0089/06, a/0091/06 to a/0097/06, a/0099/06, a/0100/06, a/0102/06 to a/0104/06, a/0111/06, a/0113/06 to a/0117/06, a/0120/06, a/0121/06 and a/0123/06 to a/0127/06, 14 March 2008, [ICC-02/04-125](#), para. 194.

¹⁰³ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), paras 95-98.

¹⁰⁴ See, for instance, CLR1 Observations, [ICC-01/04-02/06-2681](#), para. 35; CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), paras 20-22; Defence Observations, ICC-01/04-02/06-2682-Conf, para. 42.

¹⁰⁵ TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 34.

¹⁰⁶ See also Registry Observations, [ICC-01/04-02/06-2683](#), para. 13.

¹⁰⁷ CLR2 Observations, [ICC-01/04-02/06-2680-Red](#), para. 53; see also the Defence submission highlighting the risk of jealousy between victims. Defence Observations, ICC-01/04-02/06-2682-Conf, para. 34

¹⁰⁸ In line with Registry Observations, [ICC-01/04-02/06-2683](#), para. 13; TFV Reply, [ICC-01/04-02/06-2687-Red](#), para. 34.

¹⁰⁹ See, for instance, Reparations Order, [ICC-01/04-02/06-2659](#), paras 251, 253.

implementation process, including during consultations with victims, to speed up, streamline, and optimise the processes, avoid unnecessary duplication, and comply with all principles on reparations.

46. Finally, the Chamber notes that the TFV provided assurances that it assumes responsibility for the IDIP's implementation and commits to report to the Chamber in relation to its progress.¹¹⁰ In addition, within the framework of the instructions set out above on the issues the TFV should improve, develop, and report on, the Chamber considers that regular reports to the Chamber on the details of the IDIP implementation are required. The Chamber therefore directs the TFV to report to the Chamber at least every two months, or whenever required, with the parties and the Registry been allowed to respond to any issues raised therein within ten days of notification of the said reports.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,

APPROVES the IDIP, subject to the amendments and additional information to be provided by the TFV in its next report, as specified in the present Decision;

REJECTS the TFV proposal to use for the IDIP purposes the service-based and symbolic reparations programmes in the *Lubanga* case and the residual *Ntaganda* SGBV annex;

APPROVES the TFV proposal to use for the IDIP purposes the two assistance projects in place since May 2020, subject to the conditions set out in the present Decision;

INSTRUCTS the TFV in its next report to present an alternative proposal for the administrative eligibility assessment and urgency screening of IDIP's victims, pursuant to the instructions in the Reparations Order and additional guidance provided in this Decision;

EXTENDS the mandate of both LRVs in the case, as OPCV counsel, allowing them to make submissions before the Chamber whenever necessary to generally represent the interests and the rights of all potential beneficiaries of reparations;

¹¹⁰ IDIP, [ICC-01/04-02/06-2676-AnxA-Corr-Red](#), para. 96; TFV Reply, [ICC-01/04-02/06-2687-Red](#), paras 22, 28, 34.

ORDERS the LRVs, as OPCV counsel, to provide general support and assistance to any potential beneficiary during the administrative eligibility assessment and the urgency screening;

INSTRUCTS the TFV, together with the Registry, including the PIOS, VPRS, and the Field Office, as necessary, to take all required mitigation measures and organise the necessary outreach and information campaigns; and

DIRECTS the TFV to report to the Chamber at least every two months, or whenever required, with the parties and the Registry been allowed to respond to any issues raised therein within ten days of notification of the said reports.

Done in both English and French, the English version being authoritative.



Judge Chang-ho Chung, Presiding Judge



Judge Péter Kovács



Judge María del Socorro Flores Liera

Dated this Friday, 23 July 2021

At The Hague, The Netherlands