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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 “Trust Fund first progress report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Director’s decision pursuant to regulation 56 of the Regulations of the Trust Fund”, submitted on 23 September 2021, ICC-01/04-02/06-2710-Conf

Source: The Trust Fund for Victims

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

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Section**

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BACKGROUND

1. On 8 March 2021, Trial Chamber VI (the ‘Trial Chamber’) issued an order for reparations against Mr Ntaganda (the ‘Reparations Order’).¹
2. On 8 June 2021, the Trust Fund for Victims (the ‘Trust Fund’ or ‘TFV’) submitted its initial draft implementation plan² (the ‘Initial Draft Implementation Plan’ or ‘IDIP’) to the Trial Chamber.³
3. On 23 June 2021, the Common Legal Representative of the Victims of the Attacks (the ‘LRV Victims of the Attacks’),⁴ the Common Legal Representative of the former Child Soldiers (the ‘LRV Child Soldiers’, jointly with the LRV Victims of the Attacks, the “LRVs”),⁵ the Defence⁶ of Mr Ntaganda and the Registry (the ‘VPRS’)⁷ submitted observations.
4. On 24 June 2021, the Trial Chamber granted a Trust Fund request for authorisation to submit a reply to the LRVs Observations,⁸ directing that the reply be submitted by 28 June 2021 at noon at the latest.⁹

¹ [Reparations Order](#), ICC-01/04-02/06-2659, paras 249-253 and 257, and disposition.

² The Trial Chamber and the participants used the full title ‘initial draft implementation plan’, hence the acronym ‘IDIP’; therefore, the Trust Fund will adopt this abbreviation in these observations.

³ [Public redacted version of “Report on Trust Fund’s Preparation for Draft Implementation Plan”, submitted on 8 June 2021](#), ICC-01/04-02/06-2676-Red, with [Annex A, Public redacted version of “Initial Draft Implementation Plan with focus on Priority Victims”](#), ICC-01/04-02/06-2676-AnxA-Corr-Red (the ‘Initial Draft Implementation Plan’).

⁴ [Observations of the Common Legal Representative of the Victims of the Attacks on the Trust Fund for Victims’ Draft Initial Implementation Plan](#), ICC-01/04-02/06-2680-Conf (the ‘LRV Victims of the Attacks Observations’).

⁵ [Response of the Common Legal Representative of the Former Child Soldiers to the TFV Initial Draft Implementation Plan with focus on Priority Victims](#), ICC-01/04-02/06-2681 (the ‘LRV Child Soldiers Observations’, jointly with the LRV Victims of the Attacks Observations, the ‘LRVs Observations’).

⁶ [Defence Observations on the TFV initial draft implementation plan](#), ICC-01/04-02/06-2682-Conf, (the ‘Defence Observations’).

⁷ [Registry Observations on the Trust Fund for Victims’ Initial Draft Implementation Plan](#), ICC- 01/04-02/06-2683 (the ‘Registry Observations’).

⁸ Email from Trust Fund to Trial Chamber copying the participants on 24 June 2021 at 13:36. On the same day, by way of email, the LRVs opposed the Trust Fund’s request (Joint response by the LRVs sent by email at 15:27).

⁹ Email from Trial Chamber to Trust Fund copying the participants on 24 June 2021 at 17:43.

5. On 28 June 2021, the Trust Fund submitted its reply clarifying the intended scope of the IDIP and its overall approach therein.¹⁰

6. On 23 July 2021, the Trial Chamber issued its Decision on the Trust Fund’s IDIP (‘23 July 2021 Decision’),¹¹ approving the IDIP subject to amendments and additional information. The Trial Chamber directed the Trust Fund to report on the details of the IDIP implementation every two months requesting it to provide the requested amendments and additional information in its first report.

PROGRESS REPORT

7. The Trust Fund welcomes the Trial Chamber’s approval of the two projects as proposed in the IDIP. Upon issuance of the 23 July 2021 Decision, the Trust Fund took note of the six conditions set by the Trial Chamber in relation to this approval and has been committed to fully adhere to these conditions, as related in this Report.

8. In the 23 July 2021 Decision, the Trial Chamber instructed the Trust Fund to provide in the present report 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”¹². The Trial Chamber further instructed the Trust Fund to submit in the present report an alternative proposal for the eligibility assessment and urgency screening of victims to benefit from the IDIP, and to take with the Registry “all required mitigation measures and organise outreach and information campaigns to ensure that victims and their families have access to adequate

¹⁰ 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](#)) (‘TVF Reply’).

¹¹ Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#).

¹² 23 July 2021 Decision, para. 16.

information and communication throughout the implementation process, including as regards to the IDIP and the DIP”.¹³

9. During the reporting period, the Trust Fund has held various consultations with the Registry, the LRVs and its implementing partners pertaining to the additional information sought by the Trial Chamber and the implementation of the approved portions of the IDIP.

10. This Report is the first of the bi-monthly implementation progress reports to be submitted pursuant to the 23 July 2021 Decision.

I. IMPLEMENTATION OF THE IDIP

11. Directly upon issuance of the 23 July 2021 Decision, the Trust Fund organised a meeting with the two relevant partners that run the assistance projects, [REDACTED] and [REDACTED]. The Trust Fund explained the contents of the 23 July 2021 Decision, the conditions set by the Trial Chamber and requested its partners to submit proposals, including a budget, for implementing reparations measures under the IDIP. [REDACTED] and [REDACTED] submitted them by 6 September 2021 and 24 August 2021. Upon written and oral comments from the Trust Fund, the partners submitted adapted proposals on 16 September 2021 and on 18 September 2021.

12. The budgets submitted by the two partners allow to fully satisfy the first condition set by the Trial Chamber, as they enable the Trust Fund to make a clear distinction between reparations and assistance measures within the project’s administration, enabling separate allocation of, and accounting for, financial resources in relation to reparations measures provided to the victims of the crimes for which Mr Ntaganda was convicted (*‘Ntaganda victims’*).

13. The Trust Fund recalls that activities carried out by the two partners must remain fully in line with the proposals and the scope of work of the assistance projects they are carrying out.¹⁴

¹³ 23 July 2021 Decision, para. 44.

¹⁴ See IDIP, para. 23.

Reparations measures, such as providing rent or sustenance measures, that fall outside the project's original scope of work therefore cannot be implemented.

14. In line with the third condition set by the Trial Chamber in the 23 July 2021 Decision, the Trust Fund informed both partners that, if there are found specific urgent needs of victims that the project cannot satisfy, the Trust Fund will intervene to ensure that appropriate solutions are found to satisfy such needs, external to their project. The partners are taking this into account at the moment of intake of the relevant beneficiaries.

15. The Trust Fund met the two LRVs together once in July before the 23 July 2021 Decision and both separately on 14 September 2021. At the last meeting, the Trust Fund briefed the LRVs on the activities that are in consideration for the DIP and on the content of the IDIP programme, as well as on expected beneficiary numbers. The LRVs both asked for more details in written form. As also ordered by the Trial Chamber, the Trust Fund hereby provides such details.

1. [REDACTED] – Sexual and gender-based violence ('SGBV') victims and children born out of rape

16. In line with the fourth condition set by the Trial Chamber, the [REDACTED] project is solely for those *Ntaganda* victims with urgent needs who are former Child Soldiers, and cannot be accessed by *Ntaganda* victims who are Victims of the Attacks. In addition, the project focuses solely on SGBV former Child Soldiers as well as children of SGBV former Child Soldiers, including children born out of rape and sexual slavery.

Proposed activities and number of beneficiaires

17. The project "Psychosocial and socio-economic reintegration of girl-mothers victims of the wars in Ituri" implemented by [REDACTED] as part of the Trust Fund's DRC assistance programme is organised around the following activities: (i) identify and document girl-mothers and other vulnerable girl beneficiaries, referral of beneficiaries and their dependent children to health facilities for screening and appropriate medical care, while providing them with psychosocial assistance; (ii) conduct family mediation, facilitation of social reintegration by

supporting community centres, and economic reintegration through the provision of microcredit/microfinance for small businesses and distribution of income-generating activities (“IGA”) kits for trades, in combination with vocational training; and (iii) referral of vulnerable dependent children of the beneficiaries to schools and facilitation of their reintegration, capacity strengthening of community-building mechanisms and sensitisation training on early marriage, peace education and conflict management, and organisation of temporary nurseries for children of beneficiaries attending literacy courses and vocational training.

18. Accordingly, the project will provide for reparations measures to beneficiaries of the IDIP consisting of psychological and physical rehabilitation, and material support, as detailed below. Although these activities will be implemented within the scope of [REDACTED]’s assistance project framework, the intensity of the services would be adapted to the needs of the beneficiaries of the IDIP.

19. Firstly, by reference to urgent needs in relation to psychological assistance, support will be provided through community psychological care centres/structures. For psychosomatic treatment, victims will be treated by the “Centre d’Intervention/Accompagnement Psychologique et Santé Mentale” (‘CI/AP’) of a partner NGO based in Bunia. CI/AP will also provide care/treatment to victims (in advanced strategies) via mobile clinics. For psychological support, victims will be cared for in the community psychological support structure closest to their places of residence (structures already identified and operational in the collective service based reparations in the *Lubanga* case). The project will prioritise individual and group psychological support (where feasible and needed), and/or therapy by psychosocial assistants (PSAs) and psychologists (including family mediation and reunification). For mental health, in case of treatment failure, beneficiaries taken care of by the CI/AP will be referred to the ‘Centre Neuro Psycho Pathologie’ in Kinshasa. Such intra-project referrals will be systematically monitored by a [REDACTED] psychologist/psychiatrist (currently working on the collective service based reparations project in the *Lubanga* case). These services can be provided both to SGBV former Child soldiers victims and children born out of rape.

20. Secondly, in relation to socio-economic assistance, the project will offer several opportunities to the priority victims in dire need. On the educational front, literacy and school recovery courses will be offered through a partnership with the school recovery centres in the vicinity of their localities of residence. The project will also prioritise individual assistance in IGAs of choice of the victim. Vocational training will be provided by the appropriate centres/workshops that are already functional in the localities where the victims live. This project will build on the mapping/diagnosis of centres carried out as part of the collective service based reparations project in the *Lubanga* case. Priority will be given to the local vocational training centres of the *Institut National de Préparation Professionnelle*. It should be noted that all beneficiaries will follow awareness-raising modules on collective entrepreneurship (group IGAs, cooperatives, associations, etc.) provided by the training centres. While SGBV former Child soldiers victims can benefit from all these activities, children born out of rape and other children of SGBV former Child soldiers victims can benefit from schooling support.

21. Thirdly, regarding physical rehabilitation, support will be provided through the health structures in the victims' localities of residence. For appropriate health care in case of complex medical conditions, the victims will be referred to the competent health structures in the province of Ituri (Bunia, Aru) and in the other cities of the country (Goma, Bukavu and Kinshasa). This strategy will allow for the provision of appropriate and least intrusive rehabilitation and/or health services to victims according to their physical injuries. Memoranda of understanding will be signed with these health structures through the *Bureaux Central de la Zone de Santé* and the *Division Provinciale de la Santé*.

22. The project is designed to benefit 100 SGBV former Child soldiers victims in a situation of dire need and up to 150 dependants including children born out of rape. The number of victims to benefit from it is not a final number and can increase, following the urgency screening and extension of the existing financing. The project's scope *ratione loci* will expand to the Mahagi territory in addition to the Irumu territory.¹⁵

¹⁵ The inclusion of the Djugu Territory could be discussed with the implementing partner if victims are identified to reside in this area and if the security situation allows.

23. Additional urgent needs that would be identified will be addressed on a case-by-case basis in collaboration with the implementing partner, in line with the third condition set by the Trial Chamber.¹⁶

Concrete steps to be taken and timeline

24. As required by the sixth condition set by the Trial Chamber, the Trust Fund hereby sets out the following concrete steps. First, the Trust Fund will finalize with the implementing partner its proposal by the end of September and thereafter proceed to the amendment of the contract value for the second year of the project and to the disbursement of the additional resources. Thereupon, latest by early November 2021, the partner will be ready for beneficiary intake and implementation subject to the determination of the victims' beneficiary status, the urgency, the security and health situation.

25. Upon eligibility determination (including on urgency) and intake, the partner will start routing the beneficiaries towards activities responding to their urgent needs.

26. The Trust Fund will closely supervise the implementation of the IDIP by the partner and will require the partner to keep detailed records on each beneficiary. Such records will later be transferred to the entity that will carry out reparations for all former Child Soldiers as well as to the entity that will address specifically the harm suffered by SGBV victims and their children. At the time of the intake, the beneficiaries will need to agree to the processing of their personal information. The relevant form will be shared in advance with the LRVs for their comments.

27. The annual contract extension with the partner is due on 1 May 2022 and before that time, the Trust Fund and the partner will assess whether and at which cost to increase the number of victims in the programme. The Trust Fund will monitor and evaluate the effectiveness of the project throughout its life cycle.

Direct and indirect costs

¹⁶ 23 July 2021 Decision, para. 27.

28. The current costs anticipated for the IDIP related reparations measures of this project are USD 150,000. A maximum of 15% of this amount will allow for the administrative costs of the implementing partner. In line with the fifth condition set by the Trial Chamber and in the event that more than 100 SGBV Child Soldiers with urgent needs will be identified, the potential number of beneficiaires may further increase upon contract extension, i.e. on 1 May 2022.

2. [REDACTED] – Project for Victims of the Attack

29. In line with the fourth condition set by the Trial Chamber, the [REDACTED] project is solely for those *Ntaganda* victims with urgent needs, who are Victims of the Attacks. The project cannot be accessed by *Ntaganda* victims who are Child Soldiers.

Proposed activities and number of beneficiaires

30. The original assistance project has three main components: (i) medical rehabilitation, including referrals for orthopaedic services, surgery, physiotherapy, care for persons living with HIV/AIDS; (ii) 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; and (iii) socioeconomic reintegration, including by providing vocational training, monitoring, and support to beneficiaries on entrepreneurship and the management of IGAs.

31. In order to respond to urgent needs under the IDIP, the project will provide for reparations measures related to psychological and physical rehabilitation, and material support, as follows. Although these activities will be implemented within the scope of [REDACTED]'s assistance project framework, the intensity of the services may be adapted to the needs of the beneficiaires of the IDIP.

32. Psychological care sessions will be held by [REDACTED] psychologists who have academic training and expertise in the field. They will assess the psychological state of the victims, followed by individual and group therapy. They will also provide psychological support

to victims for medical referrals. For the field accompaniment and daily moral support, they will train psychosocial assistants, victims' family members and community leaders so that everyone can contribute to the psychological recovery of the victim experiencing psychological problems. For cases of very heavy trauma with signs of persisting mental disorder, the beneficiaries will be referred to the neuropsychiatric centre in Goma or elsewhere, with which a collaboration protocol will be signed. These referrals, which fall within the scope of the project, will be systematically followed up by an [REDACTED] psychologist.

33. Victims will receive medical care that suits their problems and needs, as medically diagnosed. For more complex health care, victims will be treated by the competent health structures in the province of Ituri (Bunia), or elsewhere in the country (Goma, Bukavu and Kinshasa in case of more complicated care or equipment that the local structures cannot provide). This strategy will allow for appropriate and least intrusive rehabilitation and/or health services to be provided to victims as required by their physical injuries. Primary health care will be provided in the local areas (health centres or hospitals) where the beneficiary victims live. Memoranda of Understanding will be signed by [REDACTED] with these health structures with the support of the *Bureaux Central de la Zone de Santé* and the *Division Provinciale de la Santé*.

34. A study of economic opportunities will be carried out in the beneficiaries' areas to help them make a choice in relation to IGAs. Vocational training will be provided by the appropriate centres/workshops that already exist in the localities where the victims live. As a result, reintegration support structures will be identified and collaboration contracts signed with them. Victims accessing IGAs who wish to do so, will be grouped together in an association or cooperative for collective implementation. To do this, they will follow awareness-raising and training modules on collective entrepreneurship (group IGAs, cooperatives, associations, solidarity mutual, etc.) provided by a specialised organisation or consultant. Beneficiaries will thus be able to consciously choose to launch their IGA alone or in groups. For those who opt for collective entrepreneurship, technical monitoring and support will be provided by a project staff in charge of the socio-economic component. In addition, the project will promote the microfinance and community savings approach through village microfinance associations, the *Mutuelles de Solidarité* ('MUSO'). The project will prioritise the MUSOs already operational

and set up by former [REDACTED] projects. Victims benefiting from IGAs will be encouraged to join the MUSOs.

35. The project is designed to start with 60 IDIP beneficiaries. The number of victims to benefit can increase following the results of the urgency screening and possible increase of the existing project resources. The project's *ratione loci* scope will expand to the area where potential beneficiaries are located including in the axis Bambou, Kilo, Mongwalu, Lipri, Niangaray and surrounding localities.

36. Additional urgent needs will be addressed on a case-by-case basis in collaboration with the implementing partner. In line with the fifth condition set by the Trial Chamber, the potential number of beneficiaires may further increase at the time the contract extension is reviewed, i.e. before 1 May 2022.

Concrete steps to be taken and timeline

37. The same concrete steps and timeline as set out above in relation to the [REDACTED] project applies to the [REDACTED] project.

Direct and indirect costs

38. The cost anticipated for the IDIP related reparations measures for this project is USD 150.000 to include 60 victims in this project. A maximum of 15% of this amount will represent the administrative cost. In the event that more than 60 victims of the attacks with urgent needs will be identified, the potential number of beneficiaires may further increase at the time the contract extension is due, i.e. on 1 May 2022.

II. ELIGIBILITY ASSESSMENT AND URGENCY SCREENING

39. In the 23 July 2021 Decision, the Trial Chamber directed the Trust Fund 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”.¹⁷ At this stage, the Trial Chamber’s order extends only to the eligibility assessment and urgency screening of those individuals who shall benefit from the measures proposed in the IDIP.

40. Bearing in mind that the Trial Chamber indicated that IDIP shall be implemented in a phased approach, starting with priority victims in urgent need who participated in the trial proceedings¹⁸ and “take place as close as possible to the moment in which the victims will be provided with the relevant emergency services”,¹⁹ the Trust Fund is presenting the eligibility assessment and urgency screening mechanism for participating victims, with a focus on those already identified by the LRVs

41. In that regard, the Trust Fund recalls that the Trial Chamber also instructed it “to make full use of the Registry’s capacity and experience, during all aspects of the 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.”²⁰ Accordingly, the Trust Fund organised a series of constructive sessions with VPRS (operating in headquarters) and the Country Office (operating in the field). The LRVs were invited to all meetings and got involved, insofar as they considered it in the best interest of their clients. The purpose of these meetings and exchanges, which will continue into early October 2021, is for the Trust Fund to develop an eligibility assessment for all *Ntaganda* victims, in very close consultation with the Registry and LRVs, making full use of their expertise and experience. The Trust Fund’s written proposal will be open to comments from the Registry and the LRVs, which will also include a discussion of resources and risks. The final proposal of the Trust Fund will form the basis for the eligibility assessment to be included in the DIP.

Determination on eligibility and urgency

¹⁷ 23 July 2021 Decision, para. 38.

¹⁸ 23 July 2021 Decision, para. 29.

¹⁹ 23 July 2021 Decision, para. 33.

²⁰ 23 July 2021 Decision, para. 45.

42. The Trial Chamber has clarified that the urgency screening should be conducted in accordance with the same standard and burden of proof as those applicable for the eligibility assessment.²¹ The Trial Chamber also provided the parties and participants with the categories of victims deemed eligible for urgency measures. The Trial Chamber held “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 [(first criterion)] and for which the victims cannot continue waiting until reparations in the case are fully operational [(second criterion)]. Following the 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”.²²

43. The Trust Fund considers that only one final determination in respect of each victim is required, i.e. the determination of whether a victim is an eligible beneficiary of the IDIP, meaning whether the victim will be included in either the [REDACTED] (Victims of the Attacks) or the [REDACTED] (SGBV Child Soldiers) project. This determination includes two main parts: a determination at the required standard of proof that (1) the victim is indeed an *Ntaganda* victim and (2) the victim is in urgent need as set out in the previous paragraphs.

Proposal by the Trust Fund

44. The Trust Fund recalls, as set out in the IDIP, that the LRVs identified victims with urgent needs based on the information they have in their database and based on recent contacts with the victims and provided such information to the Trust Fund. This identification of the urgent needs of victims by the LRVs referred only to those victims, (1) who participated in the trial proceedings, (2) who were preliminarily assessed by VPRS in January 2021 to be *Ntaganda* victims.

²¹ 23 July 2021 Decision, para. 32.

²² 23 July 2021 Decision, para. 33.

45. The information provided by the LRVs as a party cannot – in line with the guidance provided by the Trial Chamber²³ – be seen in any way as a screening or assessment of their urgent needs. This needs to be carried out by a neutral body with the possibility to directly access the victims and gather additional information to make such assessment.

46. Given the security and staffing situation in Bunia, the Trust Fund is best placed to make this determination and screening. Should additional information be required, the Trust Fund can organize meetings with victims through the relevant implementing partner, who may reach out to victims throughout Ituri Province and provide the necessary information to the Trust Fund.

47. Based on this information, the Trust Fund will be in a position to make a determination on eligibility of the victim, which includes both, whether the victim is an *Ntaganda* victim and whether he or she is in urgent need. The determination will be recorded in the form of a table, which will then be shared with the relevant LRV. VPRS will also be informed of the Trust Fund's determination, given it keeps the application forms of participating victims.

48. To summarise, the eligibility assessment of participating victims already positively preliminarily assessed by VPRS will have the following steps:

- a. The victim must be a participating victim who has been positively preliminarily assessed by VPRS in January 2021;
- b. The LRVs identify, based on the information in their possession or on additional more recent information received, whether the victims may be a priority victim in urgent need (for the LRV Child Soldiers – an SGBV victim and/or their children);
- c. The LRVs and VPRS transfer all relevant information, including application forms, to the Trust Fund;

²³ 23 July 2021 Decision, para. 37.

- d. The Trust Fund, if requiring additional information, may contact the victims and organize a meeting, including insofar as information-gathering is concerned through either [REDACTED] or [REDACTED], as appropriate;
- e. The Trust Fund Secretariat takes a final determination on eligibility including on urgency based on all information before it;
- f. The Trust Fund informs the relevant LRV and VPRS of its determination;
- g. The Trust Fund transfers the necessary information about the beneficiaries to the relevant implementing partners for their intake.

Next steps:

49. If this specific process is approved, the Trust Fund will request LRVs and VPRS to make all information available about the identified victims, including the application forms. LRVs may continue identifying victims in urgent needs if fulfilling the above-criteria.

50. Insofar as required for the determination, the Trust Fund Secretariat will then enter into contact with the victims, in coordination with the LRVs, and possibly through the implementing partners to organize an in-person meeting. The LRV Child Soldiers expressed that she first wants to get in contact, if not otherwise possible by phone, with the relevant clients and explain to them the process that will be followed. She will accordingly establish the contact between the Trust Fund and the potential beneficiaries. Should it not be possible to establish such contact in some instances, the LRV Child Soldier and the Trust Fund will engage to seek alternative ways of reaching out to the victims.

51. Insofar as the Trust Fund considers additional information is required and can only do so through the implementing partner, such meeting will be organized as soon as the contract amendment with the implementing partners will be signed. The Trust Fund will, insofar as the information is sufficiently complete, make a determination on eligibility within two weeks of having received the relevant additional information.

52. Upon the Trust Fund Secretariat's determination, the Trust Fund will transfer, on a rolling basis, the relevant determination (in a table format) to the LRVs and VPRS. The Trust Fund will also convey all relevant information about the beneficiaries to the relevant implementing partner for the intake. As set out above, it is planned that the intake of beneficiaries will start in early November 2021.

53. On 23 November 2021, in its second report on the IDIP, the Trust Fund will propose a complete eligibility assessment for the IDIP, including also the victims who were negatively preliminarily assessed by VPRS (additional information needs to be gathered on whether they are *Ntaganda* victims and for urgency purposes), the victims who were already in contact with the Court (additional information still needs to be gathered in some instances on both aspects as well) and for new beneficiaries. This report will also contain a review process for any negative determinations on inclusion of victims in the IDIP that will also apply to the above-proposed process, should the Trust Fund make a negative determination.

54. To conclude, the Trust Fund recalls that, in line with the 23 July 2021 Decision any determinations on eligibility will be taken progressively, once the places available in the IDIP so allow.

III. OUTREACH

55. The Trial Chamber determined as its second condition to the approval of the IDIP that the Trust Fund conducts 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, [...] 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”.²⁴ In addition, the Chamber instructed the Trust Fund together with the Registry to “take all required mitigation measures and organise outreach and information campaigns to ensure that victims and their

²⁴ 23 July 2021 Decision, para. 26.

families have access to adequate information and communication throughout the implementation process, including as regards to the IDIP and the DIP”.²⁵

56. Accordingly, the Trust Fund organised a meeting on 21 September 2021 with the Chief of Country Office, with the participation of the LRV Victims of the Attacks. Considering that the IDIP will first address only the participating victims, it was agreed that the focus of any outreach campaigns is to explain the IDIP and its very limited reach and not to invite additional beneficiaries to come forward at this stage.

57. Given the current security and public health situation in Ituri, the Chief of Country Office advised to focus on radio emissions through the relevant radio broadcast stations that have the required range, including in the IDP camps.

58. The Chief of Country Office also advised not to start direct outreach meetings with victims; as many parts of Ituri cannot be reached at this very moment, Bunia-based victims would be prioritised, which may increase tensions. Instead, if at all possible due to the security situation, it was agreed that collective meetings with community leaders may be more appropriate.

59. Once the contracts with the two partners are amended and the above-mentioned eligibility process for participating victims is approved, the Trust Fund will issue a public notification about the start of the IDIP implementation, including into Swahili. The main lines of this distribution will, in advance, be communicated to the LRVs. At the same time, a radio campaign of the Trust Fund, assisted by the Country Office, through the relevant broadcast stations will be started, insofar as possible not only in French but also in Swahili and Lingala.

60. The Registry’s Country Office and the Trust Fund have agreed to continue to work on outreach and mitigation measures, including for the DIP. The Country Office assured of its assistance, insofar as the resources in the field permit.

²⁵ 23 July 2021 Decision, para. 44.

IV. THE BOARD OF DIRECTORS' FIRST DECISION TO COMPLEMENT THE PAYMENT OF THE REPARATION AWARD

61. 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. 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.²⁶

62. The Board of Directors of the Trust Fund decided to make a first allocation of EUR 1.5 million towards the *Ntaganda* reparations programme from the reparations resources of the Trust Fund.²⁷ In addition, and upon invitation by the Trust Fund, the Australian government made a voluntary contribution of AUD 300,000 (EUR 189,013) to the Trust Fund, earmarked to the *Ntaganda* case, and specifically to address harm suffered by SGBV victims.

63. The Trust Fund underlines that it continues to undertake fundraising activities and that the Board will, once additional resources are necessary or secured, consider further complements to the payment of the *Ntaganda* reparations awards.

64. The resources allocated to *Ntaganda* will fully cover the costs arising under the IDIP.

CONCLUSION

65. The Trust Fund hereby respectfully submits its first progress report on the implementation of the plan with focus on priority victim.

²⁶ Reparations Order, para. 256.

²⁷ The reparations resources contain resources allocated by the Board of Directors to complement reparations in general, earmarked donations for reparations generally and the fine received from the *Bemba et al.* case as this amount was designated by the Presidency for reparations generally.



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Executive Director, Trust Fund for Victims

Dated this 7th Day of October 2021

Date of original 23 September 2021

At The Hague, The Netherlands