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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 document

**Public Redacted Version of the “Observations of the Common Legal Representative of the Former Child Soldiers on the Trust Fund for Victims’ Third Update Report on the Implementation of the Initial Draft Implementation Plan”
(ICC-01/04-02/06-2743-Conf-Exp, 4 February 2022)**

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I. INTRODUCTION

1. The Common Legal Representative of the Former Child Soldiers (the “Legal Representative”) hereby files her observations on the Trust Fund for Victims’ Third Update Report on the Implementation of the Draft Implementation Plan for reparations (the “Third Update Report”).¹

II. LEVEL OF CLASSIFICATION

2. Pursuant to regulation 23bis(1) of the Regulations of the Court (the “ROC”), the present submission is filed confidential *ex parte* only available to the Trust Fund for Victims, because it contains confidential information not known to the public, the Defence or the Common Legal Representative of the Victims of the Attacks [REDACTED]. A confidential redacted version and a public redacted version are filed simultaneously.

III. PROCEDURAL BACKGROUND²

3. On 8 March 2021, Trial Chamber VI issued the “Reparations Order”,³ whereby it, *inter alia*, instructed the Trust Fund for Victims (the “TFV”) to file the DIP in the present case within six months of that decision.⁴

¹ See the “Trust Fund for Victims’ Third Update Report on the Implementation of the Initial Draft Implementation Plan”, [No. ICC-01/04-02/06-2741-Conf](#) and [No. ICC-01/04-02/06-2741-Red](#), and [No. ICC-01/14-02/06-2741-Conf-Anx1](#), 24 January 2022 (the “Third Update Report”).

² The procedural background included in these submissions is non-exhaustive and primarily focuses on the procedure relevant to these submissions. The various procedural steps taken before the Appeals Chamber are also omitted.

³ See the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021.

⁴ *Idem*, para. 249.

4. On 16 March 2021, the Presidency assigned the present case to the newly constituted Trial Chamber II (the “Chamber”).⁵ Judge Chang-ho Chung was subsequently elected Presiding Judge of the Chamber.⁶

5. On 8 April 2021, the Common Legal Representative of the Victims of the Attacks and the Defence filed their respective Notice of Appeal against the Reparations Order.⁷ Appeals proceedings are currently pending before the Appeals Chamber.⁸

⁵ See the “Decision assigning judges to divisions and recomposing chambers” (Presidency), [No. ICC-01/04-02/06-2663](#), 16 March 2021, p. 7.

⁶ See the “Decision on the Election of the Presiding Judge” (Trial Chamber II), [No. ICC-01/04-02/06-2664](#), 22 March 2021, para. 2.

⁷ See the “Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the Reparations Order”, [No. ICC-01/04-02/06-2668 A4](#), 8 April 2021; and the “Defence Notice of Appeal against the Reparations Order, ICC-01/04-02/06-2659”, [No. ICC-01/04-02/06-2669 A5](#), 8 April 2021.

⁸ See the “Response on behalf of Mr Ntaganda to the Trust Fund for Victims’ observations on the Reparations Appeals”, [No. ICC-01/04-02/06-2717 A4 A5](#), 25 October 2021; the “Response of the Common Legal Representative of the Victims of the Attacks to the ‘Observations in relation to the ‘Defence Appellant Brief Against the 8 March Reparations Order’ and the ‘Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order’””, [No. ICC-01/04-02/06-2716 A4 A5](#), 25 October 2021; the “Observations in relation to the ‘Defence Appellant Brief Against the 8 March Reparations Order’ and the ‘Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order’””, [No. ICC-01/04-02/06-2713 A4 A5](#), 30 September 2021; the “Reply to LRV1 and LRV2 Responses to Mr Ntaganda’s Appellant Brief”, [No. ICC-01/04-02/06-2712 A4 A5](#), 30 September 2021; the “Response on behalf of Mr Ntaganda to the ‘Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order’””, [No. ICC-01/04-02/06-2702 A4 A5](#), 9 August 2021; the “Response of the Common Legal Representative of the Victims of the Attacks to the Defence’s Appeal Brief (ICC-01/04-02/06-2675)”, [No. ICC-01/04-02/06-2701 A4 A5](#), 9 August 2021; the “Response of the Common Legal Representative of the Former Child Soldiers on Mr Ntaganda and the Victims of the Attacks’ Appeals against the Reparations Order (ICC-01/04-02/06-2659)”, [No. ICC-01/04-02/06-2700 A4 A5](#), 9 August 2021; “Decision on the Presiding Judge of the Appeals Chamber in the appeals against the decision of Trial Chamber VI entitled ‘Reparations Order’” (Appeals Chamber), [No. ICC-01/04-02/06-2670 A4 A5](#), 9 April 2021. See also the “Defence Appellant Brief against the 8 March Reparations Order”, [No. ICC-01/04-02/06-2675 A5](#), 7 June 2021; and the “Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order”, [No. ICC-01/04-02/06-2674 A4](#), 7 June 2021.

6. On 9 June 2021, the TFV submitted a Report on its preparation for an Initial Draft Implementation Plan with focus on Priority Victims (the “IDIP”).⁹ On 23 June 2021, the parties and the Registry filed their observations thereon.¹⁰

7. On 28 June 2021, the TFV submitted additional observations regarding its IDIP.¹¹

8. On 16 July 2021, the TFV submitted a request for the variation of the time limit for the submission of the DIP. In particular, the TFV sought an extension of time until 17 December 2021.¹²

9. On 22 July 2021, the parties expressed their support for the TFV’s request.¹³ The Registry informed the Chamber that it had no observations to make on the matter.¹⁴

⁹ See the “Report on Trust Fund’s Preparation for Draft Implementation Plan With Annex A Initial Draft Implementation Plan with focus on Priority Victims”, [No. ICC-01/04-02/06-2676-Conf](#) and [No. ICC-01/04-02/06-2676-Conf-AnxA](#), 9 June 2021. See also [No. ICC-01/04-02/06-2676-Conf-AnxA-Corr](#) and [No. ICC-01/04-02/06-2676-Conf-AnxA-Corr-Anx](#); and [No. ICC-01/04-02/06-2676-Red](#) and [No. ICC-01/04-02/06-2676-AnxA-Corr-Red2](#).

¹⁰ See the “Order for the submission of observations on the initial draft implementation plan with focus on priority victims” (Trial Chamber II), [No. ICC-01/04-02/06-2677](#), 10 June 2021. See also the “Registry Observations on the Trust Fund for Victims’ Initial Draft Implementation Plan”, [No. ICC-01/04-02/06-2683](#), 23 June 2021; the “Defence Observations on the TFV initial draft implementation plan”, [No. ICC-01/04-02/06-2682-Conf](#) and [No. ICC-01/04-02/06-2682-Red](#), 23 June 2021; the “Response of the Common Legal Representative of the Former Child Soldiers to the TFV Initial Draft Implementation Plan with focus on Priority Victims”, [No. ICC-01/04-02/06-2681](#), 23 June 2021; and the “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), [No. ICC-01/04-02/06-2680-Conf](#) and [No. ICC-01/04-02/06-2680-Red](#), 23 June 2021.

¹¹ See the “Observations on the responses and observations submitted on the Initial Draft Implementation Plan”, [No. ICC-01/04-02/06-2687-Conf](#) and [No. ICC-01/04-02/06-2687-Red](#), 28 June 2021.

¹² See the “Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2693](#), 16 July 2021.

¹³ See the “Joint Response of the Common Legal Representatives of Victims to the ‘Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2694](#), 22 July 2021; and the “Observations on Behalf of Mr Ntaganda on the ‘Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2695](#), 22 July 2021.

¹⁴ See the Email communication from the Registry to the Chamber’s Legal Officer, 22 July 2021, at 11:10.

10. On 23 July 2021, the Chamber issued a Decision, approving the IDIP subject to amendments and additional information to be provided by the TFV in its subsequent report.¹⁵ The Chamber rejected the Defence's request for leave to appeal said decision.¹⁶

11. The same day, the Chamber granted the TFV's extension of time limit to submit its DIP.¹⁷ The Chamber however directed the TFV to find all possible alternatives to finalise it as efficiently and expeditiously as possible, taking into account the fact that the time limit cannot be extended indefinitely without infringing on the rights of victims to prompt reparations.

12. On 23 September 2021, the TFV submitted its First Update Report on the IDIP.¹⁸ On 4 October 2021, the Defence submitted observations thereon.¹⁹

13. On 29 October 2021, the Chamber issued a decision on the TFV First Update Report, instructing the TFV to clarify some specific issues, approving the alternative proposal for administrative eligibility assessment and urgency screening and encouraging the TFV to provide additional details on said proposal and on information relating to outreach.²⁰

¹⁵ See the "Decision on the TFV's initial draft implementation plan with focus on priority victims" (Trial Chamber II), [No. ICC-01/04-02/06-2696](#), 23 July 2021.

¹⁶ See the "Decision on the Application on behalf of Mr Bosco Ntaganda seeking leave to appeal the Decision on the TFV's initial draft implementation plan with focus on priority victims", [No. ICC-01/04-02/06-2704](#), 17 August 2021; the "Joint Response of the Common Legal Representatives of Victims to Mr Ntaganda's Request for Leave to Appeal the Decision on the TFV's IDIP (ICC-01/04-02/06-2698)", [No. ICC-01/04-02/06-2699](#), 6 August 2021; and the "Application on behalf of Mr Bosco Ntaganda seeking leave to appeal Decision on the TFV's initial draft implementation plan with focus on priority victims", [No. ICC-01/04-02/06-2698](#), 2 August 2021.

¹⁷ See the "Decision on the Trust Fund for Victims' Request to Vary the Time Limit to Submit Draft Implementation Plan", [No. ICC-01/04-02/06-2697](#), 23 July 2021.

¹⁸ See the "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", [No. ICC-01/04-02/06-2710-Conf](#) and [No. ICC-01/04-02/06-2710-Red](#), 23 September 2021.

¹⁹ See the "Defence observations on the TFV First Progress Report on the implementation of the Initial Draft Implementation Plan", [No. ICC-01/04-02/06-2714-Conf](#) and [No. ICC-01/04-02/06-2714-Red](#), 4 October 2021.

²⁰ See the "Decision on the TFV's First Progress Report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Directors' decision pursuant to regulation 56 of the Regulations of the Trust Fund", [No. ICC-01/04-02/06-2718-Conf](#) and [No. ICC-01/04-02/06-2718-Red](#), 28 October 2021.

14. On 23 November 2021, the TFV submitted its Second Update Report,²¹ to which the CLR and the Defence submitted their respective response on 6 December.²²
15. On 20 December 2021, the TFV filed its DIP.²³
16. On 18 January 2022, the Legal Representative filed an urgent request for an extension of time-limit to respond to the DIP,²⁴ to which the Defence,²⁵ the other Legal Representative²⁶ and the TFV²⁷ responded on 20 January 2022.
17. On 21 January 2022, the Chamber granted an extension of time until 24 March 2022 to respond to the DIP, instructed the TFV to provide additional information by 24 February 2022, and the Government of the Democratic Republic of Congo to provide its submissions by 10 March 2022.²⁸

²¹ See the "Trust Fund's Second Update report on the Implementation of the Initial Draft Implementation Plan", [No. ICC-01/04-02/06-2723-Conf](#) and [No. ICC-01/04-02/06-2723-Red](#), 23 November 2021.

²² See the "Defence observations on the TFV Second Progress Report on the Implementation of the Initial Draft Implementation Plan", [No. ICC-01/04-02/06-2726-Conf](#) and [No. ICC-01/04-02/06-2726-Red](#), 6 December 2021; the "Response of the Common Legal Representative of the Former Child Soldiers to the Trust Fund's Second Update report on the Implementation of the Initial Draft Implementation Plan (ICC-01/04-02/06-2723-Conf)", [No. ICC-01/04-02/06-2725-Conf](#) and [No. ICC-01/04-02/06-2725-Red](#), 6 December 2021; and the "Response of the Common Legal Representative of the Victims of the Attacks to the 'Trust Fund's Second Update report on the Implementation of the Initial Draft Implementation Plan'", [No. ICC-01/04-02/06-2724-Conf](#) and [No. ICC-01/04-02/06-2724-Red](#), 6 December 2021.

²³ See the "Trust Fund for Victims' submission of Draft Implementation Plan", [No. ICC-01/04-02/06-2732](#), [No. ICC-01/04-02/06-2732-Conf-AnxA](#) and [No. ICC-01/04-02/06-AnxA-Red](#), 20 December 2021 (respectively the "DIP Submission" and the "DIP Annex").

²⁴ See the "URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan", [No. ICC-01/04-02/06-2735-Conf-Exp](#) and [No. ICC-01/04-02/06-2735-Red](#), 18 January 2022.

²⁵ See the "Response on behalf of Mr Ntaganda to the CLR1's request for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan", [No. ICC-01/04-02/06-2736](#), 20 January 2022. See also the "Additional matters identified by the Defence in the Draft Implementation Plan that should be addressed by the Trust Fund for Victims", [No. ICC-01/04-02/06-2740-Conf](#) and [No. ICC-01/04-02/06-2740-Conf-AnxA](#), 24 January 2022.

²⁶ See the "Response of the Common Legal Representative of the Victims of the Attacks to the 'Public Redacted version of the 'URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to Trust Fund for Victims' Draft Implementation Plan' (ICC-01/04-02/06-2735-Conf-Exp)", [No. ICC-01/04-02/06-2737-Conf](#), 20 January 2022.

²⁷ See the "Trust Fund for Victims' Observations in relation to CLR1's Request for Extension of Time to Respond to the Draft Implementation Plan", [No. ICC-01/04-02/06-2738](#), 20 January 2022.

²⁸ See the "Decision on the 'Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan' and additional request by the TFV" (Trial Chamber II), [No. ICC-01/04-02/06-2739](#), 21 January 2022.

18. On 24 January 2022, the TFV submitted its Third Update Report on the implementation of the IDIP.²⁹

IV. SUBMISSIONS

19. The Legal Representative takes note of the confirmation by the TFV that the error introduced at paragraph 17 of its Third Update Report is a drafting error and that the respective lists of victims thereby referred to were indeed sent to the relevant implementing partners [REDACTED].³⁰

20. The Legal Representative further submits the below observations following the order followed by the TFV in its Third Update Report.

1. Time-frame for the updated reports by the TFV

21. The Legal Representative notes the choice made by the TFV to report as per the current calendar set by the Chamber instead of asking for an extension of time, while noting that further information will be provided on a rolling basis to the legal representatives of victims and in the subsequent update report.³¹ The Legal Representative welcomes this initiative as a matter of principle. Indeed, the TFV benefits from a unique and key position at this stage of the proceedings since it is the only one in touch with all the relevant actors in charge of implementing the reparations. Accordingly, it is vested with a correlated duty to regularly inform all the persons concerned in these proceedings, who, otherwise, would be left in the dark and unable to fulfil their respective roles. Furthermore, the Legal Representative wishes to draw the attention of both the TFV and the Chamber on the need to receive regular and updated information on the advancement of the implementation processes, all the

²⁹ See the Third Update Report, *supra* note 1.

³⁰ See exchange of emails between the Common Legal Representative of the Victims of the Attacks and the Trust Fund for Victims dated 25 January 2021, respectively at 14:46 and 14:55.

³¹ See the Third Update Report, *supra* note 1, para. 7.

more in light of its recent request to merge its reporting on its IDIP with its reporting on the DIP and to align both to the time-line of the reports it receives from its implementing partners, *i.e.* not on a two- or three-months basis, but every 4 months only.³² In this regard, she insists on the crucial nature of receiving contemporary updated information on any new developments regarding the design and the implementation of both urgent and reparations measures for the benefit of the victims concerned. She will otherwise not be in a position to react and ensure that the interests of her clients are taken into consideration and precious time risks to be lost; not to mention the possible occurrence of confusion for the beneficiaries, which, when it occurs, impacts both their trust in the TFV and in the Court as a whole, but also the ability of the reparations program to fulfil its purposes.³³

2. Tracking beneficiaries in the current challenging security and sanitary context

22. The Legal Representative concurs with the TFV that *one* of the most important current risks to the programme is that the beneficiaries cannot be located or change location once the services have started.³⁴ The Legal Representative's team regularly checks on her clients and whether they remain reachable and keeps the TFV updated with any new contact details she is able to track from her clients. The TFV mentions that the implementing partner will also ensure to collect enough information in order to be able to track the victims and that such information will in turn be shared with the CLR. In this regard, the Legal Representative would like to know what information the implementing partner is gathering and how it intends to keep track of her clients, since this element has so far not been discussed with either the TFV or the implementing partner directly, and good practices ought to be implemented in such a process. She is therefore respectfully requesting such information from the TFV and indicates that she

³² See the DIP Submission and the DIP Annex, *supra* note 23, respectively paras. 14-18 and 19, and paras. 8 and 230.

³³ [REDACTED].

³⁴ See the Third Update Report, *supra* note 1, para. 9.

is willing to urgently engage in consultations on the best practices to be adopted in this regard.

3. Streamlining of all processes to ensure expeditious proceedings

23. The Legal Representative notes and welcomes the willingness and awareness shown by the TFV to ensure the expeditiousness of all the processes related to the implementation of the reparations, starting with the eligibility and urgency screenings. In this regard, she respectfully wishes to draw the attention of the TFV to the fact that *every step* of these process counts and impacts the overall expeditiousness, including for instance the moment the TFV asks the VPRS to be granted access to application forms and other documents related to the beneficiaries.³⁵ As a result, she would like to encourage the TFV to be more proactive in its own follow-up and not to wait to request access to the files of her clients on a rolling basis, when the TFV already is in possession of a complete list of the already eligible beneficiaries she currently represents. This would avoid a five-days waiting time period for the transmission of the relevant data by the VPRS, which is already in a position to transmit said data immediately. She underlines that the proposed process by the TFV only makes sense with regard to the potential new beneficiaries, who indeed will only become known on a rolling basis.

4. Criteria used in the assessment of the questionnaires to determine the eligibility of beneficiaries in the IDIP

24. The Legal Representative welcomes the initiative of the TFV to consult with the CLRs with regard to the questionnaire to be used in the determination of the eligibility of beneficiaries in the IDIP and for taking into consideration her comments.³⁶ She nevertheless underlines that the TFV has not mentioned to date how it intends to use the responses in order to assess said eligibility; in other words, which criteria are applied in its determination.³⁷ The Legal Representative therefore respectfully requests

³⁵ *Idem*, para. 14.

³⁶ *Idem*, para. 15.

³⁷ *Idem*, para. 18.

the TFV to share such information with the CLR, in order for them to be in a position to provide comments, if any. This will in turn help both the TFV and the CLR in their continuous collaboration to ensure that the questionnaire remains indeed relevant in light of the constantly evolving situation in the field.³⁸

5. The role of the Common Legal Representatives of victims at the reparations stage and the principle of non-discrimination

25. The Legal Representative remains confused and concerned with the interpretation made by the TFV of the role of the CLR at the reparations stage.³⁹ On the one hand, the TFV seems to value and encourage regular exchanges of information and cooperation with the CLR for the best interest of the beneficiaries – as shown *supra*. On the other hand, it seems to be willing to limit the role of the CLR with respect to new beneficiaries. The proposal made that the CLR would only become engaged on an individual basis in case of a negative eligibility decision with respect to new beneficiaries runs contrary to the principle of non-discrimination that forms one of the basis of the legal representation of victims in any proceedings. The fact that litigation before the Chamber is expected to be minimal with regard to new beneficiaries (status)⁴⁰ is one thing, but the Legal Representative posits that it should not deprive them of a proper effective and efficient legal representation through the whole reparations process, and notably when their interactions with the TFV and the implementing partner are concerned.

26. Said legal representation presupposes the CLR being appraised of each of their clients' file, situations and needs, and being in contact with them, as need be. Absent of such a representation, not only would the CLR not be in a position to "*make submissions before the Chamber, whenever necessary to generally represent the interests and*

³⁸ *Idem*, para. 19.

³⁹ *Idem*, para. 22.

⁴⁰ See the Decision on the TFV's initial draft implementation plan with focus on priority victims, *supra* note 15, para. 40.

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".⁴¹ They would also subsequently be forced into providing unequal and discriminatory representation and support to different groups of victims, in violations of their professional obligations⁴² and all professional and good practices in this regard.⁴³ Indeed, the non-discrimination principle requires the equal treatment of an individual or group irrespective of their particular characteristics, and is therefore an integral part of the principle of equality before the law. In this regard, the Legal Representative submits that the fact that the beneficiaries did not all request for reparations at the same stage of the proceedings is not an objectively justified ground to offer differential treatment in terms of legal representation to some of them.

27. The Legal Representative therefore requests the TFV to treat all beneficiaries on an equal footing and allow for their equal and non-discriminatory representation at all stages of the reparations proceedings. She further reassures both the Chamber and the TFV that her intention is certainly not to burden the process in any way by filing additional requests or comments. To the contrary, she underlines that by being able to fulfil her mandate fully in relation to all Former Child Soldiers beneficiaries – direct and indirect victims, will in turn allow for comprehensive and timely submissions and cooperation, and as a result for an expeditious and smooth implementation of the reparations.

28. Consequently, she respectfully requests the Chamber to order the transmission to her team of any new victim application form for reparations received from former child soldiers – direct or indirect victims – by the VPRS or the TFV as soon as possible upon their registration in the VPRS database.

⁴¹ *Ibid.*

⁴² See the [Code of Professional Conduct for counsel](#), *inter alia*, articles 5, 6, 7, 9, 14, 15, 16, and 24.

⁴³ See, *inter alia*, articles 2 and 26 of the [International Covenant on Civil and Political Rights](#), General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976; and the [Basic Principles on the Role of Lawyers](#), Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

6. Proposals to address the urgent needs of former child soldiers

29. The Legal Representative concurs with the TFV's remark as to the *specialised expertise required* in relation to the provision of services to the beneficiaries concerned, notably, with regard to medical and psychological support, but not limited to said support.⁴⁴ She adds that if identifying and sourcing such expertise indeed falls under the mandate of the TFV as the body responsible for the implementation of the reparations ordered by the Court, such expertise is not expected to be found inside of the TFV.

30. The Legal Representative also notes that if the procurement processes appear to be very heavy to navigate in general,⁴⁵ they seem to be all the more ill-adapted in the context of the implementation of an initial draft implementation plan that aims at addressing the urgent needs of the most vulnerable beneficiaries. The Legal Representative posits that procurement processes cannot constitute a perennial reason to justify, and accept, either difficulties or delays in the reparations proceedings. Accordingly, she respectfully submits that solutions ought to be found by the Court on the short and long terms in this regard.

31. This being said, in the meantime, a workable solution ought to be found in order to support the Former Child Soldiers in urgent need on an emergency basis, as ordered by the Chamber.⁴⁶ Following a meeting held with the TFV on 2 February 2022 to discuss options to address the urgent needs of the former child soldiers,⁴⁷ the Legal Representative is but forced to observe that the situation is in deadlock and that the Former Child Soldiers in urgent need – identified as of April last year⁴⁸ – did not receive any support, almost a year after the issuance of the Reparation Order. Such a situation

⁴⁴ See the Third Update Report, *supra* note 1, para. 27.

⁴⁵ *Ibid.*

⁴⁶ See, *inter alia*, the "Reparations Order", *supra* note 3, para. 252.

⁴⁷ See the Third Update Report, *supra* note 1, para. 26.

⁴⁸ See the "Response of the Common Legal Representative of the Former Child Soldiers to the Trust Fund's Second Update report on the Implementation of the Initial Draft Implementation Plan (ICC-01/04-02/06-2723-Conf)", *supra* note 22, para. 14.

is not acceptable and calls for urgent tangible actions to be taken by both the TFV and the Chamber.

V. CONCLUSION

32. For the foregoing reasons, the Legal Representative respectfully requests the Chamber to instruct the TFV to promptly provide the additional information mentioned *supra* to the CLRs and to take these observations into account in order for the Former Child Soldiers in urgent need to receive appropriate support as per the Reparation Order.



Sarah Pellet
Common Legal Representative of the
Former Child soldiers

Dated this 4th day of February 2022

At The Hague, The Netherlands