

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **25 July 2022**

**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 Redacted Version**

**Trust Fund for Victims' Sixth Update Report on the Implementation of the Initial Draft  
Implementation Plan**

**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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## I. BACKGROUND

1. On 8 July 2019, Trial Chamber VI (the “Trial Chamber”) issued its Judgement, convicting Mr Bosco Ntaganda of five counts of crimes against humanity and thirteen counts of war crime.<sup>1</sup>
2. On 15 December 2020, following various submissions made in the context of the reparations proceedings, the Trial Chamber issued a decision ruling on a number of issues raised by the Registry in relation to the scope of the conviction.<sup>2</sup>
3. On 8 March 2021, the Trial Chamber issued an order for reparations against Mr Ntaganda.<sup>3</sup>
4. On 8 June 2021, the Trust Fund for Victims (the “Trust Fund” or “TFV”) submitted its initial draft implementation plan<sup>4</sup> (the “Initial Draft Implementation Plan” or “IDIP”)<sup>5</sup> and on 23 July 2021, the Trial Chamber issued a decision approving it with amendments, and directing the Trust Fund to report on the IDIP implementation every two months.<sup>6</sup>
5. On 23 September 2021, the Trust Fund submitted its first update report<sup>7</sup> and on 29 October 2021, the Trial Chamber issued a decision approving the proposals contained therein and directing the Trust Fund to provide certain clarifications.<sup>8</sup>

<sup>1</sup> Judgement, [ICC-01/04-02/06-2359](#).

<sup>2</sup> Decision on issues raised in the Registry’s First Report on Reparations, [ICC-01/04-02/06-2630](#).

<sup>3</sup> Reparations Order, [ICC-01/04-02/06-2659](#), paras 249-253 and 257, and disposition.

<sup>4</sup> 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.

<sup>5</sup> 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](#).

<sup>6</sup> Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#).

<sup>7</sup> 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, [ICC-01/04-02/06-2710-Conf](#). A public redacted version was filed on 7 October 2021: [ICC-01/04-02/06-2710-Red](#).

<sup>8</sup> Decision on TFV’s 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, [ICC-01/04-02/06-2718-Conf](#). A public redacted version was notified on 28 October 2021: [ICC-01/04-02/06-2718-Red](#).

6. On 23 November 2021, the Trust Fund submitted its second update report on the IDIP<sup>9</sup> and on 17 December 2021, having heard the observations of the parties,<sup>10</sup> the Trial Chamber issued a decision thereon.<sup>11</sup>

7. On 24 January 2022, the Trust Fund submitted its third update report on the IDIP<sup>12</sup> (“Third Update Report”) and on 10 February 2022, having heard the observations of the parties, the Trial Chamber issued a decision thereon (“Decision on Third Update Report”).<sup>13</sup>

8. On 24 March 2022, the Trust Fund submitted its fourth update report on the IDIP<sup>14</sup> (“Fourth Update Report”) and on 12 May 2022, having heard the observations of the parties,<sup>15</sup> the Trial Chamber issued a decision thereon (“Decision on Fourth Update Report”) in which it approved *inter alia* the mechanism for addressing urgent needs of former child soldiers who are not SGBV victims or children born out of rape or sexual slavery.<sup>16</sup>

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<sup>9</sup> Trust Fund’s Second Update report on the Implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2723-Conf](#). A public redacted version was filed on 28 December 2021: [ICC-01/04-02/06-2723-Red](#) (“Second Update Report”).

<sup>10</sup> 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”, 6 December 2021, [ICC-01/04-02/06-2724-Red](#); 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), 6 December 2021, [ICC-01/04-02/06-2725-Red](#); Defence observations on the TFV Second Progress Report on the Implementation of the Initial Draft Implementation Plan, 6 December 2021, [ICC-01/04-02/06-2726-Red](#) (“Defence Observations on Second Update Report”).

<sup>11</sup> Decision on the TFV’s Second Progress Report on the implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2730-Conf](#).

<sup>12</sup> Trust Fund for Victim’s Third Update report on the Implementation of the Initial Draft Implementation Plan, ICC-01/04-02/06-2741-Conf. A public redacted version was filed on the same day: [ICC-01/04-02/06-2741-Red](#).

<sup>13</sup> Decision on the TFV’s Third Update report on the Implementation of the Initial Draft Implementation Plan, [ICC-01/04-02/06-2745-Corr](#).

<sup>14</sup> Trust Fund for Victims’ Fourth Update Report on the Implementation of the Initial Draft Implementation Plan, 24 April 2022, [ICC-01/04-02/06-2751-Conf](#), With one confidential annex, A public redacted version was filed on 20 May 2022: [ICC-01/04-02/06-2751-Red](#).

<sup>15</sup> Observations of the Common Legal Representative of the Former Child Soldiers on the “Trust Fund for Victims’ Fourth Update Report on the Implementation of the Initial Draft Implementation Plan” (ICC-01/04-02/06-2751-Conf), 7 April 2022, [ICC-01/04-02/06-2754-Conf](#), A public redacted version was filed on 20 May 2022: [ICC-01/04-02/06-2754-Red](#); Defence observations on the Trust Fund for Victims’ Fourth Update Report on the Implementation of the Initial Draft Implementation Plan, 7 April 2022, [ICC-01/04-02/06-2755-Conf](#), A public redacted version was filed on 20 May 2022: [ICC-01/04-02/06-2755-Red](#).

<sup>16</sup> Decision on the TFV’s Fourth Update Report on the Implementation of the Initial Draft Implementation Plan, 12 May 2022, [ICC-01/04-02/06-2761-Conf](#).

9. On 24 May 2022, the Trust Fund submitted its fifth update report on the IDIP<sup>17</sup> (“Fifth Update Report”) and on 6 July 2022, having heard the observations of the parties,<sup>18</sup> the Trial Chamber issued a decision thereon (“Decision on Fifth Update Report”).

10. In its Decision on Fifth Update Report, Trial Chamber II invited *inter alia* the TFV to (i) continue providing regular updates as to the number of victims that are being progressively integrated into the two programmes and start to actually benefit from the IDIP; (ii) develop, with its implementing partner, a clear and transparent communication strategy to adequately inform the victims of their assessments results within the context of the Ntaganda IDIP; (iii) continue to keep the Chamber apprised of any developments relating to the capacity of the implementing partners to integrate victims into the IDIP and any associated costs; (iv) and expeditiously continue with the screening and integration of priority victims in urgent need into the IDIP. The Trust Fund takes good notes of these directions and will keep on ensuring they are properly addressed in the course of the current and the following reporting period(s).

## **II. UPDATE REPORT OF 25 JULY 2022**

11. This update report covers the activities relevant to the implementation of the IDIP conducted between 25 May 2022 and 24 July 2022. It provides updated information regarding the security situation (A), the eligibility assessment (B), the implementation of initial reparations measures (C), and additional information (D).

### **A. UPDATE ON THE SECURITY SITUATION**

12. In its Third Update Report, in response to a Trial Chamber’s query, the Trust Fund had provided the Trial Chamber with an update on the security situation, including its operational

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<sup>17</sup> Trust Fund for Victims’ Fifth Update Report on the Implementation of the Initial Draft Implementation Plan, 24 May 2022, [ICC-01/04-02/06-2767-Conf](#). A public redacted version was filed on 20 July 2022: [ICC-01/04-02/06-2767-Red](#).

<sup>18</sup> Observations of the Common Legal Representative of the Former Child Soldiers on the “Trust Fund for Victims’ Fifth Update Report on the Implementation of the Initial Draft Implementation Plan” (ICC-01/04-02/06-2767-Conf), 6 June 2022, [ICC-01/04-02/06-2770-Conf](#). A public redacted version was filed on 8 July 2022: [ICC-01/04-02/06-2770-Red](#); Defence observations on the Trust Fund for Victims’ Fifth Update Report on the Implementation of the Initial Draft Implementation Plan, 6 June 2022, [ICC-01/04-02/06-2769-Conf](#). A public redacted version was filed on 19 July 2022: [ICC-01/04-02/06-2769-Red](#).

impact on the implementation of the IDIP. Since then, the security situation in Ituri has not improved: it remains volatile and unpredictable and is still causing important movements of population within and outside Ituri.

13. This continues to have an impact on the implementation of the IDIP, in particular, on the ability of the Trust Fund through its implementing partners to locate and contact the victims and ultimately to ensure provision of services. However, although they are facing similar difficulties, with the continuous assistance of the legal representatives of victims (jointly the “CLR’s”), the Trust Fund through its implementing partners continues its efforts to contact victims identified by the CLR’s as priority victims in urgent need.

#### **B. UPDATE ON THE ELIGIBILITY ASSESSMENT:**

14. As indicated in the Third Update Report,<sup>19</sup> the Trust Fund has continued to provide the CLR’s with information on a rolling basis, in particular, in relation to the process of eligibility to IDIP measures of victims they represent.

15. As a matter of priority, the Trust Fund continued to determine the eligibility of the Former Child Soldiers and the Victims of the Attacks referred to it by the CLR1 and CLR2 by applying the agreed process. In that respect, it is recalled that the Trust Fund ensures to the degree possible, before asking the implementing partner to enter into contact with victims to receive information about the urgency of their needs, that the victims are falling within the eligibility criteria and are not yet beneficiaries in *Lubanga*. The CLR’s have kindly provided any supplementary information, insofar as available, as requested by the Trust Fund.

16. As reported in the Fifth Update Report, and in order to conclude the phase of identifying victims in urgent needs among the *participating victims*, on 20 May 2022 the Trust Fund enquired with the CLR1 and CLR2 on whether they could indicate additional victims who would qualify as priority victims with urgent needs and for whom they could provide updated contact details.<sup>20</sup>

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<sup>19</sup> Third Update Report, para. 7.

<sup>20</sup> See Fifth Update Report, para. 17.

***Process until 25 July 2022***

17. As to the Victims of the Attacks, upon CLR2's referral of additional victims, as well as of transmission of necessary supplementary information relevant to other victims,<sup>21</sup> on 7 July 2022, the Trust Fund transmitted to [REDACTED] a list of **22** priority victims (third list of priority victims) for gathering information about their urgent needs. Upon receipt of said information the Trust Fund will assess their eligibility to benefit from IDIP measures.<sup>22</sup>

18. During the reporting period, the TFV worked closely together with the CLR2 in order to establish contact with victims who could not be reached. This concerns currently two different scenarios: (i) victims with whom a first contact could not be established; and (ii) victims already referred to [REDACTED] by the Trust Fund for information gathering and who couldn't be eventually reached by [REDACTED], as reported in the Fifth Update Report.<sup>23</sup>

19. At the same time, the Trust Fund has been closely working with [REDACTED] on the advancement of the information gathering process concerning the two lists of priority victims transmitted by the Trust Fund for information gathering on 10 May (nine victims) and 7 July 2022 (22 victims).

20. In the reporting period, the IDIP eligibility process concerning Former Child Soldiers unfolded as reported in the following paragraphs.

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<sup>21</sup> On 24 May 2022, VPRS granted TFV access to the application forms for participation of six additional priority victims, as reported in the Fifth Update Report (emails from the TFV to VPRS on 20 May 2022, at 18:51, and from VPRS to the the TFV on 24 May 2022, at 14:50; see also Fifth Update Report, para. 16.c). On 1 July 2022, the CLR2 indicated to the TFV the identities of 10 additional victims of the attacks represented by him to be prioritized (email from the CLR2 to the TFV on 1 July 2022, at 10:58). Additionally, the CLR2 transmitted to the Trust Fund supplementary information concerning nine victims, i.e. concerning eight victims who had been previously indicated as priority victims, and one of the ten newly submitted priority victims. The supplementary information provided concerning two of these nine victims needed further clarification and the Trust Fund addressed the CLR2 accordingly. VPRS provided access to the applications of the 10 newly communicated priority victims (emails from the the TFV to VPRS on 1 July 2022, at 17:46, and from VPRS to the TFV on 4 July 2022, at 14:15).

<sup>22</sup> Email from the TFV to [REDACTED] on 7 July 2022, at 13:13.

<sup>23</sup> See, respectively, para. 16.b. and 15 (last period).

21. On 3 June 2022, the Trust Fund communicated to the CLR1 a corrigendum on the numbers of victims previously transmitted, and reported under paragraph 18 of the Fifth Update Report.<sup>24</sup>

22. On 13 June<sup>25</sup> and 20 June 2022<sup>26</sup>, the CLR1 shared with the Trust Fund two lists of, respectively, four and three priority victims she managed to establish contact with.<sup>27</sup> On 1 July 2022, the Trust Fund communicated to [REDACTED] the identities of these seven priority victims for information gathering.<sup>28</sup>

23. On 8 July 2022, the CLR1 shared with the Trust Fund a list of six priority victims she managed to establish contact with.<sup>29</sup> Moreover, on 19 July 2022, the CLR1 communicated to the Trust Fund three additional priority victims she managed to contact.<sup>30</sup>

24. Having received access by VPRS to the relevant application forms for participation,<sup>31</sup> on 22 July 2022, the Trust Fund communicated to [REDACTED] the identities of these nine additional priority victims for information gathering.<sup>32</sup> This brings to **16** the total number of priority victims reached by the CLR1 during the reporting period and thereupon referred to [REDACTED] by the Trust Fund for information gathering.

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<sup>24</sup> Emails from the TFV to the CLR1 on 3 June 2022, at 17:13, and from the CLR1 to the TFV on 13 June 2022, at 10:24. The miscalculation was due to a clerical error. The relevant figures remain thus unvaried, agreed and undisputed between the Trust Fund and the CLR1. The number of the participating victims represented by the CLR1 and indicated by the CLR1 as being priority victims who could not be reached yet at the beginning of the reporting period was 28 (and not 33) out of 60 (and not 65) participating victims indicated as priority victims in total. Five of these 28 priority victims are both *Lubanga* and *Ntaganda* victims, and have been found eligible under the *Lubanga* reparations programme. On 20 June 2022, the CLR1 informed the TFV that two of the 28 victims were erroneously placed in the list of priority victims since they cannot benefit from IDIP, as they do not live in Ituri currently (email from the CLR1 to the TFV on 20 June 2022, at 14:55). During the reporting period, the CLR1 established contact with 16 of the 28 remaining priority victims and communicated their identities to the Trust Fund, as reported.

<sup>25</sup> Email from the CLR1 to the TFV on 13 June 2022, at 10:24.

<sup>26</sup> Email from the CLR1 to the TFV on 20 June 2022, at 14:55.

<sup>27</sup> The transmission by the CLR1 of 13 June 2022 concerned five victims, but contained one error of transmission and the relevant assessment was put on hold, as agreed by the TFV and CLR1.

<sup>28</sup> Email from the TFV to [REDACTED] on 1 July 2022, at 13:32.

<sup>29</sup> Email from the CLR1 to the TFV on 8 July 2022, at 11:11.

<sup>30</sup> Email from the CLR1 to the TFV on 19 July 2022, at 09:40.

<sup>31</sup> Emails from the TFV to VPRS on 18 July 2022, at 15:58, and on 19 July 2022, at 12:39; and emails from VPRS to the TFV on 19 July 2022, at 09:53, and on 19 July 2022, at 16:55.

<sup>32</sup> Email from the TFV to [REDACTED] on 22 July 2022, at 11:27.

25. Additionally, on 13 June 2022,<sup>33</sup> the CLR1 informed the Trust Fund that she had established contact with one *Ntaganda* victim communicated to [REDACTED] by the Trust Fund for information gathering on 1 February 2022 and who could not be reached since.<sup>34</sup> The Trust Fund transmitted the information to [REDACTED] accordingly for information gathering.<sup>35</sup>

### *Next steps*

26. On 19 July 2022, the CLR1 informed the Trust Fund that it is becoming harder to manage to get contact details of the remaining priority victims as they seem to be displaced because of the security situation in Ituri or simply trying to survive. In consequence, she indicated that her team might not be in a position to provide additional information on a regular basis as it was the case so far. Therefore, for the upcoming reporting period, the Trust Fund will liaise with the Registry, in particular the Country Office (VPR) and VPRS, in order to ensure that the situation of non represented potential Former Child Soldiers victims with urgent needs will be addressed with an aim to integrating them in the IDIP.

27. The Trust Fund will continue with the eligibility assessment and referral of participating Victims of the Attacks. In order to receive proper assistance with the identification of non-participating Victims of the Attacks with urgent needs, the Trust Fund envisages to provide a first training to [REDACTED] staff by the end of September/beginning of October 2022. This will allow the Trust Fund and the implementing partner to develop how best to identify additional victims. The Trust Fund foresees that a second training to be organized by legal staff from headquarters will be required before the implementing partner can start such identification.

28. The Trust Fund wishes to express its appreciation for the cooperation established with the CLRs in the implementation of the IDIP, and for the support received by VPRS in accessing existing applications and documentation concerning priority victims.

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<sup>33</sup> Email from the CLR1 to the TFV on 13 June 2022, at 14:49.

<sup>34</sup> See Fifth Update Report, para. 14.a.(b).

<sup>35</sup> Email from the TFV to [REDACTED] on 20 June 2022, at 12:06.

### C. UPDATE ON IMPLEMENTATION OF INITIAL REPARATION MEASURES

29. Since the previous report, implementation of initial reparations measures was pursued for victims that were already taken in and victims that had not been reachable previously. [REDACTED] reached the six unreachable Victims of the Attacks referred by the TFV for intake. Four of them are currently receiving various forms of initial reparation measures, including physical and psychological rehabilitation as well as socio-economic measures. The two others are no longer reachable. By reference to the previous report, the one unreachable Former Child Soldier Victim referred to [REDACTED] could still not be reached by CLR1 or [REDACTED].

30. Therefore, the implementing partners have implemented so far initial reparation measures for 28 of 31 referred victims for the purpose of the IDIP: 17 of the 19 Victims of the Attacks and 11 of the 12 Former Child Soldier Victims have or continue (to) benefit(ted) from the IDIP implementation.

31. In addition, all of the 19 *Lubanga* and *Ntaganda* Former Child Soldier with urgent needs are currently benefitting from the reparation programme in *Lubanga*.<sup>36</sup>

32. For the coming reporting period, the Trust Fund expects that it will be able to determine eligibility of the victims on the lists referred, in this reporting period, to [REDACTED] and [REDACTED] for information gathering.<sup>37</sup> By the next progress report, the Trust Fund expects to report on the initial reparations received by the new IDIP beneficiaries.

### D. ADDITIONAL INFORMATION

33. *Outreach* – radio messages continued to be broadcasted until 23 July 2022. These radio messages are broadcasted by a radio reaching victims communities with the support of five additional community radio stations particularly listened to by victims communities.

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<sup>36</sup> Five of the 19 *Lubanga* beneficiaries started the intake in [REDACTED] IDIP for programmatic purposes but are being redirected to *Lubanga* without budgetary impact on [REDACTED] IDIP.

<sup>37</sup> See *supra* paras 17 and 24.

34. *Communication with victims in relation to their eligibility determinations* – in general, [REDACTED] informs the victims of the results of their assessment when positive on behalf of the Trust Fund. In this instance, [REDACTED] provides detailed information to the victims individually about the reparative measures they are receiving to address their urgent needs.

35. When an assessment results in a negative conclusion, the Trust Fund informs directly their legal representative in order to ensure that they may expeditiously make use of their right of recourse. As to *Lubanga* and *Ntaganda* victims contacted by [REDACTED] for information gathering, the Trust Fund informed the CLR1, and explained to said victims, together with [REDACTED], that as their needs were being addressed in the *Lubanga* case they were not eligible to benefit from the IDIP. The Trust Fund and [REDACTED] will look at any ways to fine tuning this approach they have adopted so far.

**FOR THE FOREGOING REASONS,**

36. The Trust Fund respectfully requests that the Trial Chamber take note of the present update report and stands ready to provide further clarifications.



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Pieter W.I. de Baan  
Executive Director, Trust Fund for Victims

Dated this 25<sup>th</sup> Day of July 2022

At The Hague, The Netherlands