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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. THOMAS LUBANGA DYILO***

**Public Redacted version**  
**of**  
**Ninth Decision on the TFV's administrative decisions on applications for reparations**  
**and additional matters, 17 June 2022, ICC-01/04-01/06-3536-Conf**

**To be notified, in accordance with regulation 31 of the Regulations of the Court, to:****Legal Representatives of Victims V01**

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*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

**Trial Chamber II** of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (the ‘Lubanga case’), having regard to article 75 of the Rome Statute and Regulation 58 of the Regulations of the Trust Fund for Victims (‘TFV’), issues its Ninth Decision on the TFV’s administrative decisions on applications for reparations and additional matters (the ‘Decision’).

## I. PROCEDURAL HISTORY

1. On 15 December 2017, the Chamber, in its prior composition, issued the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’ wherein it, *inter alia*, reiterated that victims who had not been in a position to submit a dossier by 31 March 2017 would be screened by the TFV for eligibility at the implementation stage.<sup>1</sup>

2. On 7 February 2019, the Chamber issued a decision approving the process for locating new applicants,<sup>2</sup> and directing the TFV to collect applications, with the support of the Legal Representatives of Victims (‘LRVs’) and the Office of the Public Counsel for Victims (‘OPCV’).<sup>3</sup> The Chamber also instructed the TFV to forward the applications to the Registry’s Victims Participation and Reparations Section (‘VPRS’) for verifications and recommendations, in order to allow the TFV’s Board of Directors to take administrative decisions on the victims’ eligibility, to be submitted to the Chamber for a final decision.<sup>4</sup>

3. On 14 December 2020, the Chamber issued a decision approving the programme proposed by the TFV for the implementation of the service-based collective reparations (‘Proposed Reparations Programme’),<sup>5</sup> subject to certain modifications and guarantees to be integrated by the TFV and the implementing partner (‘14 December 2020 Decision’).<sup>6</sup>

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<sup>1</sup> Corrected Version of the “Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable”, 21 December 2017 (public redacted version filed on 5 July 2018), [ICC-01/04-01/06-3379-Red-Corr-tENG](#), (‘Lubanga Decision on the Size of Reparations Award’), para. 293, referring to Decision on the Motion of the Office of Public Counsel for Victims for Reconsideration of the Decision of 6 April 2017, 13 July 2017, [ICC-01/04-01/06-3338-tENG](#), para. 11.

<sup>2</sup> Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations (‘Decision on New Applicants’), 7 February 2019 (reclassified as public on 13 April 2021), [ICC-01/04-01/06-3440-tENG](#).

<sup>3</sup> Decision on New Applicants, [ICC-01/04-01/06-3440-tENG](#), para. 21.

<sup>4</sup> Decision on New Applicants, [ICC-01/04-01/06-3440-tENG](#), paras 29-30.

<sup>5</sup> “Annexe A de la Requête d’approbation des résultats de l’invitation à soumissionner concernant les réparations collectives basées sur les services apportés aux victimes” (‘Proposed Reparations Programme’), 21 September 2020, ICC-01/04-01/06-3480-Conf-Exp-AnxA.

<sup>6</sup> Rectificatif de la Décision faisant droit à la requête du Fonds au profit des victimes du 21 septembre 2020 et approuvant la mise en oeuvre des réparations collectives prenant la forme de prestations de services (‘14 December 2020 Decision’), 14 December 2020 (public redacted version filed on 4 March 2021 and correction filed on 5 March 2021), [ICC-01/04-01/06-3495-Red-Corr](#), para. 120.

4. On 26 March 2021, the Chamber issued a decision, *inter alia*, extending the deadline and setting the final cut-off date for the submission of the last complete dossiers to the VPRS on 1 October 2021.<sup>7</sup>

5. On 4 May 2022, the TFV submitted its Seventeenth progress report on the implementation of collective reparations ('Seventeenth Progress Report'), providing information, *inter alia*, on the status of admissibility decisions, the implementation of the service-based collective reparations, and the progress on symbolic reparations.<sup>8</sup>

6. On 19 May 2022, the legal representatives ('LRVs', hereafter, the 'LRV01'<sup>9</sup> and 'LRV02',<sup>10</sup> respectively) submitted their responses to the Seventeenth Progress Report.

## II. ANALYSIS

### A. Administrative Decisions

7. In its Seventeenth Progress Report, the TFV informs that during the reporting period the VPRS transmitted two batches of victims' applications, consisting of 245 applications in total, and submits for the Chamber's final approval 92 positive administrative decisions adopted by the Board of Directors.<sup>11</sup> The administrative decisions were taken following the TFV's Board of Directors verification and assessment of eligibility of direct victims of the crimes for which Mr Lubanga was convicted, as detailed in the Annex to the Seventeenth Progress Report.<sup>12</sup> The TFV further informs that out of the 1736 files received so far from the VPRS, 602 still await further processing by the TFV.<sup>13</sup> In addition, the VPRS continues to process the applications submitted by the cut-off date of 1 October 2021, and the TFV will

<sup>7</sup> Decision on the submissions by the Legal Representative of Victims V01 in its Response to the Twelfth Report of the Trust Fund for Victims on the implementation of collective reparations, filing ICC-01/04-01/06-3500-Conf-Exp, 26 March 2021 (reclassified as public on 13 April 2021), [ICC-01/04-01/06-3508](#).

<sup>8</sup> Seventeenth progress report on the implementation of collective reparations as per Trial Chamber II's Decisions of 21 October 2016, 6 April 2017 and 7 February 2019 ('Seventeenth progress report'), 4 May 2022, ICC-01/04-01/06-3533-Conf.

<sup>9</sup> Réponse des Représentants légaux des victimes V01 au dix-septième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 mai 2022 ('LRV01 Response'), 19 May 2022, ICC-01/04-01/06-3535-Conf.

<sup>10</sup> Réponse des Représentants légaux des victimes du groupe V02 au Dix-septième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 mai 2022 (ICC-01/04-01/06-3533-Conf) ('LRV02 Response'), 19 May 2022, ICC-01/04-01/06-3534-Conf-Exp.

<sup>11</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 10-11.

<sup>12</sup> Annex A to Seventeenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019 ('Annex A'), 4 May 2022, ICC-01/04-01/06-3533-Conf-Exp-AnxA.

<sup>13</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 12.

provide the Chamber with the final number of applicants as soon as it receives the last transmission from the VPRS.<sup>14</sup>

8. The Chamber recalls that in rendering its administrative decisions on the eligibility of new applications, the TFV's Board of Directors is assisted by the initial verification of the applications and the recommendations provided by the VPRS.<sup>15</sup> In addition, the Chamber notes that no objections to the Board of Directors' assessment of these applications have been raised by the LRVs.

9. In light of the above and after having reviewed the assessment carried out by the VPRS<sup>16</sup> and the TFV's Board of Directors,<sup>17</sup> the Chamber hereby issues its final decision, endorsing the TFV's Board of Directors' administrative decisions and approving the 92 new applications for reparations as detailed in Annex A of the Seventeenth Progress Report.

10. The Chamber notes that, in their responses, the LRVs express their satisfaction with the fact the 1455 victims have been already admitted as beneficiaries of reparations.<sup>18</sup> However, they point out to the high number of applications still requiring processing and note the victims' growing frustration and mistrust as they are yet to receive a decision on their applications.<sup>19</sup> The LRV01 further informs that, in light of the security situation, a considerable number of victims are in a precarious situation and dependent on the reparations programme to improve their situation.<sup>20</sup> The LRV02 submits that the TFV and the VPRS should treat the applications more diligently,<sup>21</sup> while the LRV01 wants to obtain an estimation as to when all applications would be finalised.<sup>22</sup>

11. In light of the above, the Chamber stresses once again that reparations must be prompt, which requires the reparations process, including the implementation stage, to be as expeditious

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<sup>14</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 13.

<sup>15</sup> Decision on New Applicants, [ICC-01/04-01/06-3440-tENG](#), paras 29-30.

<sup>16</sup> Transmitted to the Chamber by the VPRS via e-mail on 8 February 2022 at 16:23, as requested by the Chamber pursuant to *Décision relative à la première et à la deuxième transmission des décisions administratives du Fonds au profit des victimes portant sur des nouvelles demandes en réparation*, 20 May 2020, [ICC-01/04-01/06-3476](#), para. 16.

<sup>17</sup> Annex A, ICC-01/04-01/06-3530-Conf-Exp-AnxA.

<sup>18</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 6; LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, paras 13-14.

<sup>19</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 6; LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, para. 13.

<sup>20</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 7.

<sup>21</sup> LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, para. 13.

<sup>22</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 7.

as possible.<sup>23</sup> Consequently, the Chamber directs the VPRS to finalise the processing of all applications submitted before 1 October 2021 as soon as practicable. Noting that the TFV is yet to process more than 600 applications,<sup>24</sup> the Chamber expects that all applications, including the final batch to be submitted to the TFV by the VPRS, will receive an administrative decision as soon as practicable and no later than 1 October 2022.

## **B. Implementation of service-based collective reparations**

### **i) Updates as to the implementation of reparations**

12. In the Seventeenth Progress Report and in their responses, the TFV and the LRVs update the Chamber in relation to the security situation in Ituri and its impact on the implementation of reparations, including regarding the integration of new beneficiaries into the various activities of the reparations programme.<sup>25</sup>

13. As to the security situation, the TFV informs that it remains volatile and unpredictable, indicating that attacks against the civilian population continue to take place on an ongoing basis and referring in particular to two concerning incidents which took place since 1 February 2022.<sup>26</sup> As to new beneficiaries, the TFV informs that a total of 555 victims are currently benefiting from the service-based collective reparations, of which 470 are receiving psychological support, 247 medical care, 132 schooling support for themselves or their dependents, 65 support for university tuitions, and 229 have benefitted from short or long-term training courses, including 133 which are benefiting from income generating activities.<sup>27</sup>

14. The TFV further informs that these beneficiaries continue to be referred to activities that correspond to their need or harm and that with the implementing partner, they aim to progressively include all the other beneficiaries awaiting intake into the programme without delay.<sup>28</sup> The TFV also submits that 209 beneficiaries could not be reached by the implementing partner despite involving and relying on the LRVs and their intermediaries' support, but that the attempt to contact them will continue.<sup>29</sup> In light of the limited number of victims that could

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<sup>23</sup> Decision on the submissions by the Legal Representative of Victims V01 in its Response to the Twelfth Report of the Trust Fund for Victims on the implementation of collective reparations, filing ICC-01/04-01/06-3500-Conf-Exp, 26 March 2021, [ICC-01/04-01/06-3508](#), para. 17.

<sup>24</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 12.

<sup>25</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 7, 14-18; LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 5, 8-13; LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, paras 11-12.

<sup>26</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 7.

<sup>27</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 14-15.

<sup>28</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 16.

<sup>29</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 17.

be initially reached, the TFV informs that it extended the first year of the contract with the implementing partner until mid-June 2022, at no additional cost.<sup>30</sup>

15. In its response, the LRV01 confirms the TFV's updates as to the deteriorating security and indicates that several of the victims it represents were attacked and injured by the militias during their displacements.<sup>31</sup> The LRV01 also informs about its efforts supporting the integration of new beneficiaries into the reparations programme.<sup>32</sup> In one of its field missions, in agreement with the TFV, LRV01 met with an initial group of 312 admitted beneficiaries to explain the parameters of the reparations programme and prepare them for their integration.<sup>33</sup> In addition, the LRV01 submits that it is currently in touch with another group of 400 admitted beneficiaries, in order to submit the relevant contact details to the TFV for them to benefit from reparations.<sup>34</sup>

16. The Chamber commends the developments reported by the TFV as to the implementation of reparations and the integration of new beneficiaries into the reparations programme and its related activities, which reflect a considerable growth from the numbers reported in the previous progress report.<sup>35</sup> In addition, the Chamber commends the LRV01's efforts to reach out to the victims, explain to them the parameters of the reparations programme, and collect their contact information and pass it on to the TFV.<sup>36</sup> The Chamber considers them in line with its previous instructions relating to managing the victims' expectations and the continued cooperation with the TFV.<sup>37</sup>

17. In light of the above and having regard to the concerning security situation, the Chamber reiterates its instructions,<sup>38</sup> for the TFV to provide in its next progress report concrete information as to the steps and timeline planned for the integration of the remaining beneficiaries into the programme and any possible mitigation strategies devised for beneficiaries who may become displaced or unreachable.

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<sup>30</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 17-18.

<sup>31</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 5.

<sup>32</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 10-11.

<sup>33</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 10.

<sup>34</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 10.

<sup>35</sup> The Chamber recalls that 183 victims were reportedly benefiting from the various components of the service-based collective reparations. Sixteenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019 Sixteenth progress report, 4 February 2022, [ICC-01/04-01/06-3530-Red](#), para. 21.

<sup>36</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 10.

<sup>37</sup> Eighth Decision on the TFV's administrative decisions on applications for reparations and additional matters ('Eight Decision'), 10 March 2022, [ICC-01/04-01/06-3532](#), para. 14.

<sup>38</sup> Eight Decision, [ICC-01/04-01/06-3532](#), para. 10.

ii) Complaints by the LRVs raised in their responses

18. Although the Chamber commends the multiple exchanges between the TFV, the implementing partner, and the LRVs,<sup>39</sup> aiming at addressing the victims' complaints,<sup>40</sup> it notes that in their responses the LRVs continue to raise complaints relating to various aspects of the implementation of reparations.<sup>41</sup> Having analysed the LRVs' submissions and noting the concrete steps taken by TFV,<sup>42</sup> the Chamber considers that the LRVs' complaints should be raised and solved directly with the TFV and the implementing partner through the complaints mechanism created precisely for this purpose. The Chamber indeed instructs the LRVs to channel future similar complaints through the complaint mechanism and only bring them to the Chamber's attention after having exhausted all possible venues for agreement and understanding between the victims, the LRVs, the TFV, and its implementing partners. Exceptionally, and only for clarity purposes, the Chamber addresses below some relevant issues related to the current complaints:

a. The Chamber notes the LRV01's submission that the figures in the TFV's Seventeenth Progress Report might indicate a confusion between the beneficiaries who received a 'mental health screening' by [REDACTED] or a 'physical health screening' by [REDACTED] and those beneficiaries who effectively receive psychological support or medical care.<sup>43</sup> In relation to this issue, the Chamber recalls that, in accordance with the Proposed Reparations Programme,<sup>44</sup> the psychological support and medical care activities entail various steps and sub-activities that would unfold throughout the first year of the programme, which indeed include the mental/physical health screenings indicated by the LRV.<sup>45</sup> Therefore, the Chamber notes that the TFV's indication that 470 beneficiaries currently receive psychological support and that 247 receive medical care, does not necessarily mean that these beneficiaries have already

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<sup>39</sup> Annex B to Seventeenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019 (Confidential *Ex Parte* only available to the LRV01, LRV02, OPCV, and the TFV) (Annex B), 4 May 2022, ICC-01/04-01/06-3533-Conf-Exp-AnxB; Annex C to Seventeenth progress report on the implementation of collective reparations as per Trial Chamber II's decisions of 21 October 2016, 6 April 2017 and 7 February 2019 (Confidential *Ex Parte* only available to the LRV01, LRV02, OPCV, and the TFV), 4 May 2022, ICC-01/04-01/06-3533-Conf-Exp-AnxC.

<sup>40</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 22-24; LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 8-9.

<sup>41</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 12-19; LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, paras 15-18.

<sup>42</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 19-27.

<sup>43</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 13.

<sup>44</sup> 14 December 2020 Decision, [ICC-01/04-01/06-3495-Red-Corr](#), para. 120.

<sup>45</sup> See Proposed Reparations Programme, ICC-01/04-01/06-3480-Conf-Exp-AnxA, pp. 28-29.

fully benefitted from these activities. Indeed, as illustrated in the Proposed Reparations Programme,<sup>46</sup> going through all the steps and sub-activities of psychological support and medical care is a month-by-month process, and furthermore, there will be differences between beneficiaries depending on when their enrolment in an activity commenced. However, for the sake of clarity and in accordance with its previous instructions,<sup>47</sup> the Chamber directs the TFV to provide in its next progress report more detailed information as to the actual progress of implementation of these activities.

b. The Chamber notes the LRV01's complains related to the alleged poor organisation and conditions of implementation.<sup>48</sup> In light of the TFV's updates in its Seventeenth Progress Report as to the concrete steps it is taking to strengthen, *inter alia*, the monitoring of implementation, the information dissemination and coordination between the implementing partner and its sub-contractors, communications with the LRVs and the beneficiaries, and the complaints mechanism,<sup>49</sup> the Chamber considers that these matters are being addressed in the context of the complaints mechanism. Nevertheless, the Chamber expects the TFV to ensure that the complaints mechanism is easily accessible to the victims.<sup>50</sup>

c. The Chamber notes the LRV01's submission that certain victims in need of psychological support were not referred to appropriate care due to an alleged failure by [REDACTED] to identify PTSD symptoms or to adapt their approach to beneficiaries who do not feel comfortable to open up.<sup>51</sup> In this respect, the Chamber recalls its previous findings as to presumption of psychological harm affecting both direct and indirect victims.<sup>52</sup> Further, the Chamber notes the TFV's own clarification that psychological harm is presumed for all victims and that they should all benefit from psychological support.<sup>53</sup> In light of the above, the Chamber hereby directs the TFV to take into account the LRV01's submission, to ensure that the approach of

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<sup>46</sup> See Proposed Reparations Programme, ICC-01/04-01/06-3480-Conf-Exp-AnxA, pp. 28-29.

<sup>47</sup> Seventh Decision on the TFV's administrative decisions on applications for reparations and additional matters, 23 November 2021, [ICC-01/04-01/06-3528](#), para. 20.

<sup>48</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 14-15.

<sup>49</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 19-27.

<sup>50</sup> See LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 14.

<sup>51</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 14.

<sup>52</sup> See Corrected version of the "Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable", 21 December 2017, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 180; *see also* Appeals Chamber, Amended Order for Reparations, 3 March 2015, ICC-01/04-01/06-3129-AnxA, para. 58.

<sup>53</sup> Annex B, ICC-01/04-01/06-3533-Conf-Exp-AnxB, p. 13.

[REDACTED] does not exclude beneficiaries that should be entitled to relevant psychological support in account of their harm.

d. The Chamber notes the LRV02's suggestion that the complaint mechanism should be rectified to integrate the intermediaries in the process as their expertise and that of the victims' counsel is needed, especially in the case of unreachable victims.<sup>54</sup> The Chamber notes the TFV's<sup>55</sup> and the LRV01's<sup>56</sup> submissions as to the progress in the efforts to reach out to the victims and inform them about their upcoming integration into the reparations programme. The Chamber also recalls that the TFV is due to propose a solution regarding displaced or unreachable victims,<sup>57</sup> which should take into account the LRV02's suggestion.

e. Lastly, the Chamber notes the LRV01's request for clarification regarding indirect victims, in light of the apparent contradictory information on the type of reparations activities they are entitled to receive.<sup>58</sup> On this point, the Chamber recalls that it has previously made a series of clarifications in relation to indirect victims, including their definition and the types of reparations activities they should benefit from, and instructed the TFV to amend the Proposed Reparations Programme to reflect these clarifications.<sup>59</sup> Consequently, and in light of the TFV's own indication that it will distribute a document providing more information,<sup>60</sup> the Chamber hereby directs the TFV to provide clarification in regard to indirect victims and the reparations activities they will benefit from in its next progress report.

### C. Symbolic Reparations

19. The Chamber welcomes the progress reported by the TFV in relation to symbolic reparations, including certain consultations at some of the localities and the risk analysis undertaken by the implementing partner aiming to prevent that these reparations would cause tension or conflict within the beneficiary communities.<sup>61</sup> The Chamber notes that additional consultations with victims are scheduled to take place shortly,<sup>62</sup> and also welcomes the LRVs'

<sup>54</sup> LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, para. 18.

<sup>55</sup> See Seventeenth progress report, ICC-01/04-01/06-3533-Conf, para. 24.

<sup>56</sup> See LRV01 Response, ICC-01/04-01/06-3535-Conf, para. 10.

<sup>57</sup> Eight Decision, [ICC-01/04-01/06-3532](#), para. 10.

<sup>58</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 16-19.

<sup>59</sup> See, for instance, 14 December 2020 Decision, [ICC-01/04-01/06-3495-Red-Corr](#), paras 126-131, 132-133, 143-145, 147-149

<sup>60</sup> Annex B, ICC-01/04-01/06-3533-Conf-Exp-AnxB, p. 15.

<sup>61</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 28-29.

<sup>62</sup> Seventeenth progress report, ICC-01/04-01/06-3533-Conf, paras 28, 30.

submissions indicating the results of consultations in two localities and putting forward their views as to the scope of symbolic reparations and outreach.<sup>63</sup> In light of the forthcoming proposal and timeline to be submitted for approval, the Chamber expects the TFV to properly communicate and cooperate with the LRVs prior to submitting the proposal, to ensure that the victims' views and concerns are properly reflected and taken into account.

#### **D. Publicity of the proceedings**

20. Finally, in line with its previous instructions,<sup>64</sup> the Chamber directs the TFV and the LRVs to review their submissions underlying this decision and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification as confidential by 30 June 2022. The Chamber reiterates its previous instructions for public redacted versions of confidential documents to be filed as expeditiously as possible, preferably simultaneously to every filing submitted.<sup>65</sup>

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,**

**ENDORSES** the TFV's Board of Directors' administrative decisions;

**APPROVES** the administrative decisions taken by the TFV's Board of Directors with regard to 92 new applicants who shall become beneficiaries of reparations;

**DIRECTS** the VPRS to finalise the processing of all applications submitted before 1 October 2021 as soon as practicable;

**DIRECTS** the TFV to render administrative decisions on all applications, including the final batch to be submitted by the VPRS, as soon as practicable and no later than 1 October 2022;

**REITERATES** its instructions for the TFV to provide concrete information as to the steps and timeline planned for the integration of the remaining beneficiaries into the programme and any possible mitigation strategies devised for beneficiaries who may become displaced or unreachable;

**INSTRUCTS** the LRVs to raise and solve directly with the TFV, through the complaints mechanism created precisely for this purpose, any issue related to implementation of

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<sup>63</sup> LRV01 Response, ICC-01/04-01/06-3535-Conf, paras 20-23; LRV02 Response, ICC-01/04-01/06-3534-Conf-Exp, paras 19-21.

<sup>64</sup> Order on the reclassification of documents, 13 April 2021, [ICC-01/04-01/06-3511](#), para. 4.

<sup>65</sup> *As per* Order on the reclassification of documents, 13 April 2021, [ICC-01/04-01/06-3511](#), para. 4.

reparations and only bring them to the Chamber's attention after having exhausted all possible venues for agreement and understanding between the victims, the LRVs, the TFV, and its implementing partners;

**DIRECTS** the TFV to provide the information, assurances, and clarifications as detailed in paragraph 18(a) to (e) above; and

**DIRECTS** the TFV and the LRVs to review their submissions underlying this decision and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification as confidential by 30 June 2022.

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 Thursday, 22 September 2022

At The Hague, The Netherlands