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

Date: **3 October 2022**

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding
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

Notification of 832 administrative decisions from the Trust Fund for Victim's Board of Directors pursuant to Trial Chamber II's "Ninth Decision on the TFV's administrative decisions on applications for reparations and additional matters", 17 June 2022, ICC-01/04-01/06-3536-Red

With Confidential *ex parte* Annex A only available to the LRV01, the Trust Fund for Victims and the VPRS, Confidential *ex parte* Annex B only available to the OPCV, the Trust Fund for Victims and the VPRS, and Confidential *ex parte* Annex C only available to the LRV02, the Trust Fund for Victims and the VPRS

Source: The Trust Fund for Victims

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

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Victims Participation and Reparations**Section**

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I. RELEVANT PROCEDURAL HISTORY

1. The Trust Fund recalls the procedural history set out in the Seventeenth progress report on the implementation of collective reparations (“Seventeenth progress report”) submitted on 4 May 2022.¹
2. On 18 May 2022 and 19 May 2022, the Legal Representatives V01 (“LRV01”),² and the Legal Representatives V02 (“LRV02”),³ submitted their respective responses to the Seventeenth progress report (respectively (the “LRV01 Response” and the “LRV02 Response”).
3. On 17 June 2022, the Trial Chamber issued the Ninth Decision on the TFV’s administrative decisions on applications for reparations and additional matters (“Ninth Decision”).⁴ In the Ninth Decision, the Trial Chamber directed VPRS to finalise the processing of all applications submitted before 1 October 2021 as soon as practicable, and invited the Trust Fund to render administrative decisions on all pending applications, including the final batch to be submitted by VPRS, as soon as practicable and no later than 1 October 2022.
4. On 4 August 2022, the Trust Fund submitted its Eighteenth progress report on the implement of collective reparation (“Eighteenth Report”), providing *inter alia* a notification of a list of 100 additional applications positively assessed by the Board of Directors.⁵

¹ 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”), With Confidential *ex parte* Annex A only available to the LRV01, the Trust Fund for Victims and VPRS and Confidential *ex parte* Annexes B and C only available to the LRV01, the LRV02, the OPCV and the Trust Fund for Victims, 4 May 2022, [ICC-01/04-01/06-3533-Red.](#)

² *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*, 19 mai 2022, [ICC-01/04-01/06-3535-Red.](#)

³ *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), 18 mai 2022, [ICC-01/04-01/06-3534-Red.](#)

⁴ 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.

⁵ Public Redacted Version of Eighteenth 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, 4 August 2022, [ICC-01/04-01/06-3537-Red.](#)

II. NOTIFICATION OF 832 ADMINISTRATIVE DECISIONS

5. Following verification and adoption of a final list by the Board of Directors, the Trust Fund hereby submits a list of 809 positive administrative decisions to the Trial Chamber for its approval.⁶

6. Upon a finalised assessment, 8 decisions were provisionally approved merely requiring the applicants to transmit to the Trust Fund a legible identity document or a missing signature page. The Trust Fund intends to inform the Trial Chamber accordingly no later than the date of the Trust Fund's upcoming progress report, which is due on 4 November 2022.

7. For the 15 negative decisions, the Trust Fund will submit fully written decisions as an annex to its next update report in accordance with the 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 The applicants will thereafter be entitled to challenge the negative decisions within 30 days of being notified of the refusal, by requesting the Trial Chamber to review the Trust Fund's decision.

8. In order to facilitate the Trial Chamber's access to the complete files of all applicants,⁸ the Trust Fund will share an Excel table with VPRS listing all the applicants included in this transmission.

9. To date, the Trust Fund considers that all applications received from VPRS since 2019 have been processed.⁹ The Trust Fund issued 2054 admissibility decisions (1122 approved by the Trial Chamber, the 100 submitted in the Eighteenth Report, and the 832 hereby submitted). Therefore, the total number of beneficiaries approved by the Trial Chamber to date stands at 1547.¹⁰

⁶ See Annex A.

⁷ 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](#).

⁸ *Ordonnance enjoignant au Fonds au profit des victimes et à la Section de la participation des victimes et des réparations de donner accès à la Chambre aux nouvelles demandes en réparation*, 30 April 2020, ICC-01/04-01/06-3475-Conf, 20 May 2020, para. 16.

⁹ 15 additional applications collected and transmitted relate to victims that Trial Chamber II had already recognized as beneficiaries.

¹⁰ This includes the 425 applications directly assessed positively by the Trial Chamber and excludes the 932 administrative decisions pending approval by the Trial Chamber.

10. The Trust Fund will proceed to a verification with the VPRS and the LRVs in order to ensure that all applicants have been addressed. The Trial Chamber will be informed of the result of this verification.

11. The Trust Fund commends the support provided to it by VPRS in processing the data enclosed in the applications, and providing an assessment in relation to duplications, applicants' identity, age eligibility, and close relationship (for indirect victims).

12. The Trust Fund will provide the Trial Chamber with a full report on the implementation of the Decision on New Applicants in its next progress report.

FOR THE FOREGOING REASONS

The Trust Fund hereby respectfully submits this notification.



Franziska Eckelmans
Acting Executive Director of the Trust Fund for Victims,

Dated this 3rd of October 2022

At The Hague, Netherlands