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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 Redacted Version

“Twenty-first 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”, dated 6 June 2023, ICC-01/04-01/06-3919-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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BACKGROUND

1. The Trust Fund for Victims hereby submits its twenty-first progress report following Trial Chamber II's ("Trial Chamber") decision of 21 October 2016 approving the programmatic framework for collective symbolic reparations as submitted by the Trust Fund for Victims,¹ Trial Chamber II's decision of 6 April 2017 approving the programmatic framework for service-based collective reparations as submitted by the Trust Fund,² and Trial Chamber II's decision of 7 February 2019 approving the Trust Fund's proposal in relation to the process for locating new applicants and determining their eligibility.³

CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund for Victims has classified the report as confidential insofar as it contains detailed information related to operational aspects of the ongoing implementation of reparations.

RELEVANT PROCEDURAL HISTORY

3. The procedural history applicable to the present progress report is presented in the Twentieth progress report on the implementation of collective reparations ("Twentieth progress report") submitted on 6 March 2023,⁴ to which the Office of Public Counsel for Victims ("OPCV") submitted a response on 28 April 2023.⁵

¹ Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparation, 21 October 2016, [ICC-01/04-01/06-3251](#).

² Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, [ICC-01/04-01/06-3289](#).

³ Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations, 7 February 2019, [ICC-01/04-01/06-3440-Red-tENG](#).

⁴ Twentieth 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, With Confidential *ex parte* Annexes A and D only available to the LRV01, the Trust Fund for Victims, and the VPRS, B only available to the LRV02, the Trust Fund for Victims, and the VPRS, C only available to the LRV02 and the Trust Fund for Victims, E, F, H and I only available to the LRV01, LRV02, OPCV and the Trust Fund for Victims, G only available to the LRV01, OPCV and the Trust Fund for Victims, and J only available to the OPCV and the Trust Fund for Victims, 6 March 2023, [ICC-01/04-01/06-3913-Conf](#).

⁵ *Réponse du BCPV au Vingtième rapport de progrès sur la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 6 mars 2023 et à l'Addendum déposé le 17 avril 2023*, 28 April 2023, [ICC-01/04-01/06-3916-Conf](#).

PROGRESS REPORT

4. The Trust Fund for Victims hereby submits its twenty-first progress report, with information on the implementation of the collective reparations awards. It provides updated information regarding the A) security and B) public health situations, C) decisions on the eligibility of victims, D) collective service-based reparations, E) symbolic reparations, and F) institutional strengthening.

5. The reporting period for the purposes of the present progress report extends from 6 March 2023 to 6 June 2023.

A. Security Situation

6. The security situation in the areas in which the Trust Fund for Victims is currently operating has not presented any improvement since the twentieth progress report.

B. Public Health Situation

7. The public health situation in the areas in which the Trust Fund for Victims is currently operating has not evolved since the Twentieth progress report.

C. Decisions on the Eligibility of Victims

8. To date, 2,462 victims have been deemed eligible in the present case, including 425 victims eligible following the Trial Chamber's 2017 sampling and 2,037 victims whose eligibility was assessed by the Board of Directors of the Trust Fund for Victims.

9. The upcoming decision of the Trial Chamber may yield additional victims to this number. 14 decisions remain pending.

10. The potential final number of victims in the present case may be up to 2,476 if the Trial Chamber confirms the eligibility of the fourteen applicants positively assessed by the Board of Directors.

D. Update on the Implementation of Collective Service-Based Reparations

1) Progress on the implementation of collective service-based reparations

a) Activities carried out during the reporting period

11. On the day of the present report, 872 out of 2,462 victims are in the process of receiving reparations as part of the *Lubanga* reparations programme.

12. As part of the programme, beneficiaries receive services, whose i) highlights for the applicable reporting period will be presented below, and which relate to ii) mental health, iii) physical health, and iv) socio-economic rehabilitation, as will be detailed further below.

i. Highlights of the reporting period

13. In the reporting period, 12 new beneficiaries have received medical care out of the 662 planned for in year 2, bringing the total to date to 705 victims. In addition to the newly admitted beneficiaries, medical follow-up continues for beneficiaries admitted in year 1 of the project.

14. Thirty-eight newly admitted beneficiaries have started to receive psychological care this quarter, out of the 554 planned for in year 2, bringing the number of beneficiaries treated to date to 839, out of a planned total of 1,355 victims for year 2 of the project. Psychological care for the remaining 516 beneficiaries is scheduled to be provided by the end of August 2023.

15. In terms of socio-economic support, 101 beneficiaries who have completed their training have benefited from income-generating activities to help them set up in business, out of the 276 planned for in year 2, bringing the total to date to 535 beneficiaries who have benefited from income-generating activities, out of an expected total of 710 beneficiaries in year 2 of the project.

ii. Mental health

i) Implementation of mental health services

16. In the first quarter of 2023, 38 new beneficiaries began to receive psychological care, bringing the total number of victims cared for since the start of the project to 839.

17. Group or family counselling activities have been provided to 252 beneficiaries.

18. One beneficiary was referred to a specialised centre in [REDACTED] for more adapted care.

19. A total of 336 beneficiaries have completed their psychological treatment and have, according to their physicians, recovered from the psychological pathologies from which they suffered.

iii. Physical health

20. During the reporting period, 17 newly admitted beneficiaries and 36 beneficiaries admitted in year 1 of the programme received medical treatment.

iv. Socio-economic rehabilitation

21. With regard to socio-economic rehabilitation, services provided to beneficiaries pertained to i) schooling, ii) university support, iii) vocational training, and iv) income-generating activities.

i) Schooling

22. The bulk of the school fees for the beneficiaries' dependents were paid at the end of the third quarter and in the fourth quarter of 2022. During the reporting period, school fees were paid for 55 dependents. To date, a total of 1,607 individuals have benefited from schooling, including 1,606 dependents and 1 direct beneficiary.

ii) University support

23. In addition to the 154 beneficiaries and dependents admitted into the programme during 2022, in the first quarter of 2023, the implementing partner continued to admit beneficiaries and their dependents.

24. A total of 49 beneficiaries and dependents were admitted during the first quarter of 2023, bringing the total number of students receiving university support to 203 to date.

iii) Vocational training

25. During this quarter, 7 beneficiaries benefitted from short and long training courses. In total, 637 beneficiaries have benefited from training between the start of the project and the end of the first quarter of 2023.

iv) Income-generating activities

26. The economic reintegration approach for victims is being reviewed by the implementing partner to provide for greater involvement of monitoring agents for the income-generating activities earlier in the process.

b) Progress of performance and forecast

27. The table below provides an overview of progress of performance for this reporting period.

INDICATORS	Q4 2022	Q1 2023	Gap
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	Total sum		
Number of victims referred by the TFV	1042	1042	0
Number of victims contacted by telephone	855	872	+17
Number of victims who could not be reached	187	170	-17
Number of victims diagnosed as part of psychological support	801	839	+38
Number of victims diagnosed as part of physical support	693	705	+12
Number of victims who completed basic training	630	637	+7
Number of victims who received IGA cash	434	535	+101

28. The table below presents a comparison of forecast and actual operational results for the quarter.

INDICATORS	Performed Q1 2023	Forecast Q1 2023	Gap
	Total sum		
Number of victims referred by the TFV	1042	1042	0
Number of victims contacted by telephone	872	855	+17
Number of victims who could not be reached	170	187	-17
Number of victims diagnosed as part of psychological support	839	855	-16
Number of victims diagnosed as part of physical support	705	750	-45
Number of victims who completed basic training	637	630	+7
Number of victims who received IGA cash	535	530	+5

c) Intake of additional beneficiaries and victims that have not been reached

29. A total of 872 beneficiaries had been admitted in the programme by the first quarter of 2023. During the reporting period, the implementing partner screened 17 additional victims who could not be previously reached.

30. The list of the remaining 170 victims who have not been reached is currently being updated by the Legal Representatives.

d) End of treatment

31. During the initial screening conducted by trained medical staff, a treatment plan is devised for each beneficiary. Numerous beneficiaries are approaching the conclusion of their treatment. In

preparation for the anticipated completion of treatment for these beneficiaries, the Trust Fund for Victims is currently in the process of preparing a plan for the procedure to be followed to notify beneficiaries of the end of their treatment. During the next period, the proposed plan will be presented by the Trust Fund for Victims to the Legal Representatives.

2) Measures taken to address issues in the implementation of collective service-based reparations and improve the quality of services

a) Programme adjustments

32. During the reporting period, the Trust Fund for Victims made a programmatic adjustment to offset the increase in costs due to the 66 per cent raise in the number of actual beneficiaries that will benefit from the reparations programme, which is nearly 2,500 beneficiaries, 1,000 beneficiaries more than initially estimated. Measures taken include to reduce from three to two years the schooling support at primary and secondary levels, and to provide only the beneficiary's partner and children or the beneficiary themselves, and no other relatives, with university support.

b) Information to victims

33. In the reporting period, the Trust Fund for Victims has implemented measures to enhance access to information for beneficiaries participating in the reparations programme. These measures include a revised services package with a detailed implementation plan for each service, to guide the beneficiary through the different interactions between services and the estimated duration of each service.

c) Enhanced communication with beneficiaries

34. The Trust Fund for Victims and the implementing partner have each set up a separate mobile text system designed for communication with the beneficiaries of the programme. These mobile text systems are designed to regularly inform beneficiaries about project activities and the programme. Prior to initiating communication with victims, Legal Representatives will be informed of the content of any messages.

35. The first of such messages was sent on 7 April 2023 by the Trust Fund for Victims to beneficiaries through the Trust Fund for Victims' platform and provided information on the adjustments to the services package.

d) Evaluation

36. As previously reported, an independent team of evaluators engaged by the Trust Fund for Victims has started its evaluation of the programme. In the reporting period, the evaluators have initiated interviews with the Trust Fund's implementing partners.

e) Mechanism aimed at ensuring beneficiaries' safety during their participation in the programme

37. The Trust Fund for Victims intends to consult with the Legal Representatives with a view to jointly elaborating a proposed mechanism aimed at ensuring beneficiaries' safety during their participation in the programme and the appropriate implementation of reparations, including in relation to potential risks related to other programme beneficiaries.

38. Other measures under consideration include those to enhance the protection of privacy of victims participating in the reparations programme.

39. Consultations with Legal Representatives on these measures and other outstanding issues will be conducted throughout June 2023.

E. Symbolic Reparations

40. Since the Twentieth progress report no additional activities have been conducted in relation to the implementation of symbolic reparations.

F. Institutional strengthening

41. The new Executive Director of the Trust Fund for Victims assumed her duties on 1 May 2023. The Executive Director is in the process of being briefed on this reparations programme, and informed on the progresses and other issues of relevance to the implementation of reparations in the present case.

FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully requests the Trial Chamber to take note of the present report.



Deborah Ruiz Verdusco
Executive Director of the Trust Fund for Victims,

Dated this 7th of August 2023

(Date of original 6 June 2023)

The Hague, Netherlands