

Annex A to “First report on the implementation of
symbolic collective reparations as per the Trial Chamber
II Order of 21 October 2016”

CONFIDENTIAL REDACTED VERSION



Fonds au Profit des Victimes
The Trust Fund for Victims



SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR v. THOMAS LUBANGA DYILO
ICC-01/04-01/06

Reparations phase

First TFV implementation progress report
on the symbolic reparations component

The Hague, January 23, 2017

Following Chamber approval on 21 October 2016 of the programmatic framework for collective symbolic reparations as submitted by the Trust Fund¹, the Trust Fund has undertaken steps, both in the field in the Ituri Province in the Democratic Republic of the Congo ("DRC") and in consultation with the relevant Registry sections at the Court, to swiftly implement the order, as outlined in more detail in this report.

¹ ICC-01/04-01/06-3223-Conf and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx); a Public redacted version has also been filed in the record of the case: (ICC-01/04-01/06-3223-Red) and its confidential annex (ICC-01/04-01/06-3223-Conf-Anx) 16 September 2016.

A. Project Locations

In the Trust Fund's symbolic reparations filing of 16 September 2016, the Trust Fund had not yet finally resolved identification of the third community that would host the symbolic structure under that component of the project. Consultation with partners and other stakeholders were continuing. During the public reparations hearing held by the Chamber in October 2016, the legal representative of VO2 explicitly encouraged the Trust Fund to consider Mahagi as one of the communities to be the site of a symbolic structure because a significant number of victim participants originate from Mahagi Centre. In an effort to explore the feasibility of this suggestion, the Trust Fund consulted with its partners and the local authorities in the region to solicit their viewpoints on the initiative and to solicit possible support for such a choice for the symbolic reparations project.

The outcome of these consultations was that the local community supported the creation of a symbolic structure in their community, Mahagi Centre. Accordingly, the Trust Fund has now added Mahagi Centre to the list of affected communities that will be the locations of project Implementation. In addition to the comments made by the legal representative of VO2, the Trust Fund on its own motion considered adding Mahagi Centre to the list as important and beneficial in light of the symbolic reparation objectives because of its relevance to the case, its size and its prominence as a socio-economic center in the region where many of the victim participants reside.

As a consequence of the inclusion of Mahagi Centre among the chosen project locations, the Trust Fund was obliged to remove one of the previously proposed localities, Kasenyi, in order to stay within the budget. Of the initially proposed localities, the Trust Fund chose Kasenyi to be removed because of its relative small size in relation to the other identified localities where the mobile memorialization initiative is intended to take place and because of its relative proximity to Tchomia. Therefore the total number of project locations remains at eight.

The Trust Fund also examined the Chambers request at paragraph 16 of the 21 October order to further expand the number of mobile memorialization locations.

The Trust Fund wishes to note that the number of locations proposed to the Chambers by the Trust Fund in its symbolic reparations project proposal is the result of an analysis of the maximum number of possible locations within the prevailing budgetary space of 150,000 Euros. The Trust Fund determined that eight locations were the maximum number of locations feasible within this budget to ensure that an adequate level of financial resources could be allocated to each location. Accordingly, it is unfortunately not possible at this time to incorporate additional localities into the existing project framework and associated budget. However, should additional funds become available, e.g. in the instance that the dedicated fundraising effort yields results, this would allow the Trust Fund to revisit the issue. A potential expansion of locations at a later

stage, if and when additional funding has been secured, may also be informed by the experience of implementing the currently foreseen activities.

B. Procurement process

Following approval of the proposed symbolic project, the Trust Fund exchanged letters and held meetings with the relevant offices of the Registry to discuss the Chambers' order and the applicable procurement modalities that will lead to the selection of an implementing partner(s). In its submission of 16 September 2016, the Trust Fund advocated for a direct invitation of proposals to be sent to a limited number of qualified organizations because this process would result in a shorter procurement process with respect to the standard international competitive bidding tender procedure. The alternate request for proposal process adheres to the relevant regulatory framework, including the ICC's Financial Regulations and Rules (Rule110.16) and the Regulations of the Trust Fund.

The Trust Fund Secretariat has consulted with the Procurement section at the Registry to provide relevant background information related to the order and to further discuss and agree to the modalities applicable to this procedure.

An important aspect of those discussions involves the development of the procurement schedule to complete the requisite elements of the procurement process in accordance with the Financial Rules and Regulation of the ICC.

In its Order of 21 October, the Chamber expressed a preference to pursue the targeted proposal solicitation method whereby a number of experienced organizations already present and working within the intended field of endeavor are invited to prepare and submit a proposal to be competitively evaluated for grant selection.

The Trust Fund notes that the principle distinction of this selected procurement modality is the pre-identification of a limited number of bidders following a market search. The invited organizations that receive the Scope of Work (SOW) and the Request for Proposals (RFP) will have to compete through a transparent proposal review process in accordance with the requirements set out in the RFP.

In more detail, the requisite steps of the expedited procurement process are as follows:

Preparation

- Completion of the Scope of Work and Request for Proposal documents by the Trust Fund in consultation with Procurement. Translation of the SOW and RFP documents into French by external translators.

- Meetings between Trust Fund and the Procurement section at the Registry to discuss and agree on the applicable modalities, timeframe, and planning of the tender procedure.
- The Trust Fund identifies the organizations that it would like to invite to apply to this direct invitation of proposals. The identification criteria are listed further below.
- The Trust Fund developed a specific tracking system in SAP Grants Management to manage reparations related activities in the Lubanga case and for future awards. Pilot tests are conducted prior to completion of the system.
- The Trust Fund allocates the project funds through a purchase requisition in SAP Grants Management system verifying that adequate funds have been obligated for the intended project.
- The Trust Fund develops the evaluation criteria and the scoring matrix on which the proposals will be evaluated and assessed.

Solicitation and submission of proposals

- The Procurement section notifies the tender to the identified organizations, who are receiving the proposal format and related annexes, including the SOW, necessary to develop their project proposals.
- Identified organizations are afforded 15 days to consider the tender and to pose questions concerning the process through Procurement for clarification. Procurement forwards the questions to the Trust Fund to formulate responses that will be notified to all applicant organizations.
- Applicant organizations have 6 weeks following the Q&A period to develop their proposals and submit them to Procurement.

Evaluation and selection

- The Procurement section receives the proposals and verifies which have submitted the requisite components of the RFP (documentation in response to eligibility criteria, technical proposal and proposed budget). Procurement forwards all qualifying applicant proposals to the Trust Fund.
- The Trust Fund evaluates each proposal against the predetermined criteria and scores each applicant proposal. The Trust Fund reviews the outcome of the scoring and findings of the proposal evaluation process and selects the organization(s) to be invited to implement the symbolic reparations project. The Trust Fund communicates to Procurement the results of the proposal evaluation process and associated documentation pertaining to the scoring and selection of the proposals.

- Procurement liaises with the Registry's Legal Office to set a date for the Court's Procurement Review Committee (PRC) meeting to review the selection process and to either approve or reject the outcome of the evaluative process. The Trust Fund prepares the proposal dossiers and related review documentation for the PRC. The PRC meet to review the procurement process and the Trust Fund may defend the selection process. Additional time may be afforded to the parties if supplemental clarification or documentation is required.
- The Legal Office prepares the minutes of the PRC meeting and the recommendation of the PRC concerning the selected implementing partner. The minutes are circulated to the PRC members. The minutes are then sent to the Registrar for signature and approval. The signed minutes are sent to the Trust Fund. The Secretariat shares the outcome of the tender procedure with the Board of Directors for information.

Contracting and transfer of funds

- The Legal Office prepares the contract(s) and annexes and sends to the selected implementing organization(s). The selected organization reviews and signs the contract and annexes accordingly. Two copies of the contract are sent back to the Legal Office.
- The Legal Office receives the signed contract and forwards to the Executive Director of the Trust Fund for signature, which is the formal project start date. A signed copy of the final contract is sent to the implementing partner for their records.
- The Trust Fund prepares the initial disbursement of funds to the implementing partner. Treasury transfers the funds to the implementing organization(s).

The Preparation phase has been completed and the identified organizations are scheduled to be notified at the end of January. The Trust Fund notes with appreciation efforts and priority attention of the Procurement section to this procedure during a period of business peak (end of the year) and the seasonal break.

The Chamber's Order of 21 October 2016 approving the implementation of symbolic reparations prompted the Trust Fund to complete development of the formal Request for Proposal document and the Scope of Work documents. Both the RFP and SOW constitute the core elements of a proposal solicitation dossier. The revised SOW document (Annex 1 to this report) incorporates the updated list of affected communities as noted above.

Following extensive discussions with the Registry the Trust Fund developed pre-selection criteria that would guide the identification of the organizations active in Ituri Province to be invited to prepare a symbolic reparations proposal, namely:

1. Potential organizations have a strong experience constructing and implementing community infrastructure initiatives; demonstrated good management practices
2. Potential organizations have knowledge of the conflict context on Ituri and the intervention areas and the Lubanga case in particular; awareness of the ICC and of Trust Fund mandates and programming; demonstrate an interest and willingness to work with and associate themselves with the Trust Fund under challenging socio-political circumstances.
3. Potential organizations have a good reputation of trustworthiness within community; and of commitment and activities (past or present) in the region and communities in the proposed intervention areas.
4. Potential organizations have experience working with former child soldiers and youth; conducting demobilisation (DDR) initiatives and implementing reintegration projects; knowledge and understanding of the major challenges confronting youth in Ituri; experience organising the socio-cultural youth activities; have developed appropriate and participatory methods to come up with youth activities.
5. Potential organizations have demonstrated an ability to mainstream gender sensitivity in project management.

Eight identified organizations have been chosen based on their ability to satisfy the relevant criteria. Furthermore, the basic eligibility criteria that govern all Trust Fund procurement processes of implementing partners are also applied to this procurement procedure. All applicants must be duly registered in the DRC for a minimum of two years, have demonstrated experience managing and implementing relevant projects and must be able to present unqualified external audit reports.

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The Trust Fund wishes to inform the Chamber that it has developed a tailor-made proposal evaluation scoring matrix that comports to the particular elements of the symbolic reparation proposal. Each applicant organization will have their proposals evaluated against the same criteria in a transparent competitive assessment process. Proposals will be evaluated for their ability to furnish with the requested supporting documentation elements articulated in the RFP and SOW. Organizations will be evaluated for their ability to demonstrate organizational capacity to implement the project, articulate partnership and coordination strategies, to

describe their proposal in detail (objectives, activities, outputs/results, and performance indicators), the relevancy of their budget provisions, community participatory methods, logical frameworks of the project implementation, monitoring and evaluation practices, sustainability, cross-cutting dimensions, and their managerial experience with construction or infrastructure projects.

A proposal template for reparations projects and in particular symbolic projects has been developed by the Trust Fund to cater for the particular requirements of symbolic reparations. The proposal template is adapted from that utilized in assistance mandate projects.

C. TFV Complement

Following the Chamber's order of 21 October 2016, the Trust Fund affirmed the allocation of project funds through a purchase requisition in SAP, i.e. the proposed 150,000 EUR dedicated for the implementation of the symbolic reparations project.

In this context, the Trust Fund would like to note that the formal proposal development documentation, the SOW and the RFP that will be issued to applicant organizations will note that the prospective grant amount in US dollars because project funding in the Democratic Republic of the Congo (DRC) is denominated in US dollars rather than Euros. All of the Trust Funds projects currently implemented in the DRC are issued in US dollars. The SOW and RFP tender documents therefore note that the project funding will be in the amount of \$160,000 (USD), i.e. the rough current equivalent of €150,000 (EUR). Any negative exchange fluctuation will be absorbed by the Trust Fund.

Conclusion

The Trust Fund hopes to have informed the Chamber adequately about progress made to date and holds itself available for any further query the Chamber may have.

The Trust Fund shall continue to prepare and submit quarterly progress reports to the Chamber in relation to the implementation of the symbolic reparations project in the Lubanga case.



Fonds au Profit des Victimes
The Trust Fund for Victims



Scope of Work –Request for Proposals No. XXX

**“Symbolic Collective Reparations
in relation to the conviction of Thomas Lubanga Dyilo
before the International Criminal Court”**

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1. INTRODUCTION

The International Criminal Court ("the ICC") and the Trust Fund for Victims (Trust Fund or TFV) were established in 2002 under the Rome Statute. The ICC is charged with prosecuting and trying those responsible for genocide, war crimes, and crimes against humanity, while the Trust Fund provides redress to victims of these crimes in situations within the jurisdiction of the ICC. The Trust Fund is the first of its kind in the global movement to end impunity and promote justice. Its mission is *to respond to the harm resulting from crimes within the jurisdiction of the ICC by ensuring that the rights of victims and their families are upheld through the provision of reparations and assistance.*

To achieve this objective, the TFV has a dual mandate:

- A. To implement **reparations** ordered by the Court against a convicted person. Reparations are unique in justice mechanisms as they focus directly on the circumstances of the victims. Reparations acknowledge victims' suffering and offer redress for violations.
- B. Voluntary contributions from donors permit the TFV to **assist** victims and their families in situations before the ICC by funding physical and psychological rehabilitation and material support programmes. The assistance mandate responds to victim injuries and needs resulting from crimes within the jurisdiction of the ICC, and their communities.

For further information about the Trust Fund for Victims please visit:

<http://www.trustfundforvictims.org/fr>.

1.2. Background

On 14 March 2012 the Thomas Lubanga Dyilo was convicted at the International Criminal Court of the crimes of enlisting and conscripting children under the age of fifteen years into the Force

Patriotique pour la Libération du Congo (FPLC) and using those child soldiers to actively participate in hostilities.¹

On 3 March 2015, the Appeals Chamber issued its judgment on the reparations appeals in the *Lubanga* case, including as an annex the amended order for reparations (hereinafter “Appeals Chamber Reparations Judgment” and “Amended Order for Reparation”).²

On 3 November 2015, the Trust Fund for Victims submitted its “Filing on Reparations and Draft Implementation Plan”,³ to which it annexed its draft implementation plan for collective reparations to victims (hereinafter “Draft Implementation Plan”).⁴

On 15 July 2016, the Trial Chamber issued the “Request Concerning the Feasibility of Applying Symbolic Collective Reparations” (hereinafter “Request of 15 July 2016”),⁵ in which it requested that the Trust Fund “study the feasibility of developing a concrete project aiming at providing prompt symbolic reparations”.⁶ The Trial Chamber observed that such a project could “take the form of, *inter alia*, a commemoration and/or building a statue”.⁷ Finally, the Trial Chamber requested that the Trust Fund include in its filing “concrete information regarding: a) the estimated costs of such a project; b) the time frame for its completion; and c) any concrete proposal(s) related to this matter”.⁸

On 16 September 2016, the Trust Fund for Victims submitted to the Trial Chamber the public redacted “Filing regarding symbolic reparations projects”.⁹

¹ Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012, 3 March 2015, ICC-01/04-01/06- 3129; AMENDED order for reparations, 3 March 2015, ICC-01/04-01/06- 3129-AnxA.

² *Ibid.*

³ ICC-01/04-01/06-3177-Red.

⁴ ICC-01/04-01/06-3177-AnxA.

⁵ ICC-01/04-01/06-3219.

⁶ Request of 15 July 2016, para. 12.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ ICC-01/04-01/06-3223-Red.

On 21 October 2016, the Trial Chamber issued an “Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparations”.¹⁰

This request for proposals (RFP) is to invite applicants to submit proposals in response to the project framework, outlined in this document, for a collective symbolic reparations project to be implemented in the affected communities, including the estimated project budget and project timeframe.

The project framework was devised in consideration of the specific circumstances of the Lubanga case and the crimes for which Mr Lubanga was convicted, as established in the record of proceedings, including the Amended Order for Reparations and the views and proposals submitted by the legal representatives of victims during the reparations proceedings. Its design is informed by views expressed during the community consultations and youth focus group discussions conducted by the Trust Fund in Ituri province from May to June 2015, as well as expert input from practitioners in the field. It draws on the collective insight and experience of the Trust Fund’s more than eight years of programmatic experience in Ituri, in eastern DRC.

Collective symbolic reparation initiatives merit encouragement and promotion. However, collective symbolic reparations should not bear the entire burden to redress a mass crime event. Rather, they should be conceptualized as a component of a larger integrated reparations process.

The situation of former child soldiers in this case is particularly precarious, because, although the individuals in question are now adults, they remain deeply affected by their experiences as children. Those victims not only have to cope with their experiences personally and internally but externally these victims are subjected to tremendous shame and stigma that accompanies their status as former child soldier. Symbolic reparations serve to publicly acknowledge the

¹⁰ ICC-01/04-01/06-3251.

crimes committed, restore victims' dignity, and raise public awareness about the impact of the harm experienced by the victims and their communities.

The participatory process that forms an integral part of the project framework recognizes that victims occupy a central role in the process of designing and implementing reparations so as to ensure that they are meaningful and beneficial to them as victims and bearers of rights.

1.3. Principles of Reparations

According to the Appeals Chamber in the Amended Order, as their objectives, reparations should seek to relieve victims' suffering and to afford justice by alleviating the consequences of the crimes of enlisting and conscripting children under the age of fifteen years and using those child soldiers to actively participate in hostilities. Reparations should also deter future such crimes; contribute to the effective reintegration of former child soldiers; and to "promote, wherever possible, reconciliation between the convicted person, the victims and the affected communities."¹¹

Reparations, as a general principle, need to address any underlying injustices and should avoid replicating discriminatory practices or structures that predated the commission of the crimes. Equally, reparations should avoid further stigmatization of the victims and discrimination by their families and communities.¹² A gender-inclusive approach should guide the design of reparations¹³. The Appeals Chamber also emphasized the need for consultation with and participation of victims, their families and, where applicable, communities¹⁴.

¹¹ *SEE* Amended Order for Reparations, 3 March 2015, ICC-01/04-01/06- 3129-AnxA, at paras 71 and 72, publically available at https://www.icc-cpi.int/RelatedRecords/CR2015_02633.PDF.

¹² Amended Order, para. 17.

¹³ Amended Order, para. 19.

¹⁴ Amended order, paras 29-32.

With a view to the particular circumstances of the case, the Appeals Chamber noted that “reparations may include measures to address the shame felt by some former child soldiers, and to prevent any future victimization. The reparation awards should, in part, be directed at preventing future conflicts and raising awareness that the effective reintegration of the children requires eradicating the victimization, discrimination and stigmatization of young people in these circumstances.”¹⁵

2. COLLECTIVE SYMBOLIC REPARATIONS AND PROPOSED PROJECT FRAMEWORK

This request for proposals outlines the Court-approved elements of a collective symbolic reparations project, the estimated project budget range, and project timeframe. In particular, the project duration is 24 months with a project budget of USD 160,000.

Symbolic reparation project proposals must describe the activities and how the affected communities of Thomas Lubanga’s crimes will participate in the design, implementation, and monitoring of the reparation activities supported by the Trust Fund. The proposals should be based on the following framework:

Main objective

The reintegration and redress of former child soldiers being victims in the *Lubanga* case are enabled by the awareness and acknowledgement of the affected communities that the enlistment, conscription, and use of child soldiers under the age of 15 is to be considered a crime, causing enduring harm to the former child soldiers and their families and consequently continuing to disturb the well-being of their communities.

¹⁵ Amended Order, para. 67 vii.

Expected outcomes [leading to the main objective]

- a. Symbolic collective reparations foster *awareness and acknowledgement* within affected communities about the convicted crimes of Mr Lubanga and the harm caused to victims and their families
- b. The *stigma* attached to former child soldiers within their (adopted) communities, affecting their ability to (re)integrate and rehabilitate, is significantly reduced
- c. The affected communities' awareness and acknowledgement of the relevant crimes and resulting harms provide for an *enabling environment* to develop and implement service-based collective reparations awards to direct and indirect victims in the Lubanga case
- d. Beyond the affected communities, *other stakeholders in the public domain are informed* about and appreciate the objective and the results achieved in this collective symbolic reparations project implementation, as a first expression of the joint reparative justice mandates of the Court and the TFV.

Project components

The proposed collective symbolic reparations in Ituri Province will contain two principle components:

- A. To develop and construct **symbolic structures**, in the form of commemoration centres that will host interactive symbolic activities, in three communities; **and**
- B. **Mobile memorialization** initiatives in five additional communities that will promote awareness raising of the crimes and resulting harms, reintegration, reconciliation, and memorialization.

The Trust Fund requests proposals that advance these goals within the affected communities with a view to potentially funding such proposals.

The symbolic reparations project may be incorporated into a larger integrated reparations process, should the Draft Implementation Plan or another reparations initiative gain approval from the Court in the future.

The selection of the communities to be included in the symbolic reparations project activities is based on the connection of their localities to the various elements of the crimes, their size and prominence as trading centres, and the views expressed regarding the reparations process during the community consultation missions of May and June 2015.

The eight selected communities are as follows: Tchomia, Rwampara, Bunia, Bogoro, Mongwalu, Mandro Katoto and Mahagi Centre.¹⁶

In the following, the two components of the project are further elaborated.

A. Symbolic Structure

The commemoration centres are to be constructed in three locations. The purchase of real property (land) shall not to be included into the project proposal.

In terms of the construction of the commemoration centres, the selected implementing partner should prioritize, within budgetary restraints, the use of locally available builders and masons, with an emphasis on local organisations who employ former child soldiers trained in masonry, carpentry, etc.

The three selected communities will also participate, in consultation with the selected implementing partner, in decision-making about certain building design features and the specific symbolic interactive activities to be conducted in the commemoration centres.

¹⁶ *SEE* for findings in relation to these locations Trial Chamber I, Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842, paras. 819, 834, 835 (P-0016), 838, 915.

The selected implementing organisation is responsible for including in its project proposal, and within the budgetary parameters of the project, the manner in which it will engage the community to determine the design of the commemorative dimension of the building and the symbolic, interactive activities. This envisaged participatory process will provide a forum for the affected community to discuss the consequences of the crimes and to determine for themselves the design of a meaningful commemorative dimension of the centre, as well as identify those activities that the community considers will have a high level of participation and meaning.

The construction is to serve as a “living” space that offers a “useful” venue for functions in the affected community. The interior of the building may be utilized to exhibit pictures and artwork created by former child soldiers that depicts the past, present, and their hopes for the future. The structures may also host music, dance, drama, and cultural events respected by the community. The newly built structures should also provide a venue in which community dialogue concerning the crimes and the road towards reconciliations may occur. As part of the solicited project proposal, the selected implementing organisation is also responsible for including, and within the budgetary parameters of the project, the manner in which it will in close cooperation with the community facilitate these symbolic, interactive activities.

The Trust Fund envisions that the **structures component** of the project may require an estimated **60% of project the budget** and associated resources.

Structures shall continue to serve the affected communities beyond the life of the reparations project. The structures and associated community committee shall become an integral part of any future approved collective reparations in regards to the crimes of Thomas Lubanga Dyilo.

B. Mobile Memorialization

The mobile memorialization component will promote community awareness and sensitization about the harm caused by the enlistment, conscription and use of child soldiers in hostilities through a range of activities that will include a regular series of “commemoration weeks” and radio programmes in five of the above mentioned eight locations. Community sensitization meetings with local leaders and members of the community will be part of commemoration activities.

The implementing partner will be responsible for identifying local leaders, including youth leaders, representing each of the five locations, and to administer special training about memorialization and reconciliation activities. Following the training, leaders should return to their communities, and will assist with preparations for memorialization activities. Training shall include modules on the rights of the children, the harms suffered by the enlistment, conscription and the use of child soldiers in hostilities, as well as mediation techniques that may be applied to address tensions between communities and former child soldiers. It is envisaged that these local leaders will strongly contribute to the organisation of activities by disseminating information and promoting the event in the community. The implementing partner is also requested to support and facilitate localized mobilization efforts aimed at persuading the village chiefs to offer their full support and to mobilizing various groups to actively participate in the week’s events.

Memorialization activities and events may include the following: a combination of community dialogue, artistic, cultural, and theatrical activities to promote awareness-raising about the convicted crimes and the harms suffered by child soldiers; children’s rights and child protection; the negative consequences of enlisting, conscripting, and using children in hostilities; trans-generational and gender related topics including as to the various forms in which former child soldiers and their families experience

stigma, and to spread the message of reconciliation, non-repetition, and reintegration. Particular attention will be given to mitigating stigma towards former child soldiers and enhancing understanding. In this respect, the participation of young people in such events is particularly important, as such participation can contribute to reducing stigma and ongoing trauma.

Meetings organized during the memorialization week should provide an opportunity for the community to openly acknowledge and discuss how it has been affected by the return of former child soldiers and will facilitate an analysis of the behaviour of community members and former child soldiers, with the aim of improving understanding, reducing conflicts and facilitating the reintegration of former child soldiers into the daily life of the community. Obstacles to reconciliation and reintegration will be assessed in each of the five locations and strategies to address the obstacles will be developed.

This component also contains an element of public communication in the form of regular radio transmissions, programmes, and flash messages, in advance of the memorialization activities and afterwards in support of the activities in the community. The radio transmissions should be designed for reinforcing the messages of the activities and extend the geographic reach of the initiative. Radio messages will be aired on a regular basis and may be delivered by experts, such as psychologists or child protection experts as well as prominent local, religious, and community leaders. The radio messages will discuss the harm to and perceptions of former child soldiers as well as methods for transformation and reintegration of former child soldiers in the community.

The Trust Fund envisions that the **mobile memorialization component** of the project may require an estimated **40% of the project budget** and associated resources.

Symbolic reparation that may bring closure and meaning to a number of victims in the region to know that their perpetrator was pursued and convicted for those criminal acts and contribute to restoring their social standing and dignity.

The reintegration of former child soldiers into their community and the reduction of stigma are key objectives of the project. Accordingly, organizations will be chosen based on their ability to promote conflict mediation and stigma reduction, including by engaging with and working through community protection committees and youth clubs. Implementing organizations will also be required to work closely with the territorial and/or provincial authorities.

3. GUIDELINES

3.1. Selection Criteria

Any non-governmental organisation (national and/or international), relief, and development organization which are duly registered and operating in the Democratic Republic of the Congo (DRC) may submit a proposal.

The TFV will consider project proposals only from organisations which:

1. Have been registered in the DRC for a **minimum of 2 years** and comply with the laws governing non-profit organisations in force in the DRC:
 - International organisations should provide a signed copy of the *«Accord-cadre avec le Ministère ayant le plan dans ses attribution»*;
 - National organisations should provide :
 - a copy of the legal personality certificate (Arrêté du Ministre de la Justice accordant la personnalité juridique); or
 - a copy of provisional authorisation provided in accordance with article 5 of the « LOI N° 004/2001 DU 20 JUILLET 2001 PORTANT DISPOSITIONS

GENERALES APPLICABLES AUX ASSOCIATIONS SANS BUT LUCRATIF ET AUX
ETABLISSEMENTS D'UTILITE PUBLIQUE » in combination with the legal
personality certificate.

2. Show evidence of solid experience for a **minimum of 2 years** in managing project similar to the project of which they are bidding. Please refer to the Exhibit E called "Past performance and references form". The form should be completed with relevant information about similar projects implemented in the past, each with a **minimum value of USD 50,000** or equivalent in euro currency. Information about a **minimum of two (2) projects** has to be provided. Please fill in one form per project implemented.
3. Have a sound decentralised governance, decision-making structure and financial administration (please provide a **signed copy** of the external financial audit report **no more than 4 years old**).

PLEASE NOTE

Please note that the first review of the applications will be done on the basis of the documents listed under the 3 selection criteria mentioned in point 3.1. Bidders are requested to submit only the documents indicated. Incomplete applications will not be taken into consideration the project proposal will not be reviewed. The TFFV/ICC shall not be held responsible for the cost of preparing and submitting the organisations' proposal.

3.2. Cross-cutting Themes

3.2.1. Gender

In accordance with the Convention on the Elimination of All Forms of Discrimination against Women and the UN Security Council resolution on Women, Peace and Security, the TFFV's overall strategy seeks to promote women's rights, increase the participation of women and take account of gender mainstreaming, in particular, by being mindful of disparities and the impact of sexual and gender-based violence.

The Appeals Chamber has explicitly stated in its Amended Order at paragraph 34 that “(r)eparations are not limited to restitution, compensation and rehabilitation, as listed in article 75 of the Statute. Other types of reparations, for instance those with a symbolic, preventative or transformative value, may also be appropriate.”

Implementing a gendered sensitive approach in collective reparations requires the creation of an environment that reflects an understanding of the realities of the lives of women or men within their social setting. In light of the explicit recognition of the transformative value of reparations by the Appeals Chamber, the proposed activities should be mindful of and proactively take into account the manner in which women’s marginalised status may negatively affect their ability to access justice within their own local settings. Transformative values should guide reparation activities for the benefit of victims and the affected communities that experienced the crimes.

Integrating a gender dimension into reparations will ensure that women are involved in the design, implementation, and monitoring of the reparation process; and that reparations are responsive to women’s vulnerability and their roles vis-à-vis their communities.¹⁷

The TFV follows the Inter-Agency Standing Committee’s Gender Handbook in Humanitarian Action and the World Health Organization’s Ethical Standards and Procedures for Research with Human Beings. The TFV therefore endeavours to promote the empowerment of women and girls and address the specific needs of survivor victims, irrespective of gender and age, as a condition *sine qua non* for any rehabilitation, reparation, and peace-building process.

¹⁷ UN WOMEN, *In Pursuit of Justice, 2011-12, Progress of the World’s Women*; electronically available at <<http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>>

3.2.2. Sensitivity to conflicts

In rolling out all its programmes, the TFV is firmly committed to respecting the fundamental “Do No Harm” principle. Reparations should not cause additional harm to the victims themselves or the community in which they live. In that respect, the TFV ensures that none of the activities it sponsors has a negative impact or creates tension between victims of a conflict who are beneficiaries of its projects, and those who are not. The TFV is interested in initiatives for peace-building, community reconciliation, social acceptance, and reintegration as key elements for restoring the dignity of victims and community cohesion.

3.2.3. Environmental Impact Assessment

An Environmental Impact Assessment is an analytical process undertaken to examine any potential positive and negative environmental impact of a given project or activity. The TFV has sought to gradually integrate an environmental component into its actions. In fact, for the purpose of its operations, it has adopted a broad definition of the term “environment” to encompass, in addition to land, water, and air factors such as human beings, the cultural environment, and biological diversity. There is an “impact” when changes occur in one or more of the above aspects as a result of a specific activity carried out as part of a project. The impact may be positive or negative, direct, indirect, or cumulative. By fully applying the Environmental Impact Assessment, the TFV ensures that the projects which it funds are economically sustainable and protect the environment on which our generation and future generations depend. Bidders must propose measures that limit any potential negative impact their project may have.

3.3. Budget and duration of projects

The project may be implemented over a 24 month period of time. The project may be extended depending on results and the availability of funds.

The project budget is established at a maximum of **USD 160,000.**

The Trust Fund envisions that the **symbolic structures** component of the project may require an estimated **60% of the project budget** and the **mobile memorialization** component of the project may require an estimated **40% of the project budget**.

3.4. Location

The TFV selected the following affected communities based on their connection to the crimes, size and prominence as trading centres, and the stated interest of the communities to engage with reparations, as expressed during the community consultation missions from May to June 2015.

Eight locations chosen: Tchomia, Rwampara, Bunia, Bogoro, Mongwalu, Mandro, Katoto, and Mahagi Centre.

The projects will be rolled out in the province of Ituri, in eastern DRC.

Djugu Territory: Tchomia, Mongwalu, Katoto and Mandro

Irumu Territory: Rwampara, Bunia and Bogoro

Mahagi Territory: Mahagi Centre

3.4.1. Project components according to geographic area

The following table shows projects according to geographic area and focus area:

| Component area | Description | Project area |
|---|---|--------------------------------------|
| Symbolic structures and reconciliation | Participatory design and development process to create meaningful symbolic structures in the affected community. Ensuring non-repetition of the crimes, community dialogue, mediation, and social cohesion. | Tchomia, Rwampara, and Mahagi Centre |

| | | |
|--|---|---|
| Mobile Memorialization; Community dialogue, reconciliation, and memorialization | The mobile memorialization initiative will promote community awareness and sensitization concerning the violation of victim rights and recognition of the victims. Community dialogue, reconciliation, and memorialization should inspire the affected community to view reparations in terms of justice. | Bunia, Bogoro, Mongwalu, Mandro, and Katoto |
|--|---|---|

3.5. Collaboration and partnership

The TFV encourages partnership between non-governmental organisations as an effective means of strengthening the capacity and cohesion of activities. Bidders may also be encouraged to set up an official or informal network for referring beneficiaries to other bodies to complement action taken by others when and if the larger integrated reparations initiative is commenced.

If the bidding organisation needs to provide limited financial support to third party organisations in order to implement the project successfully, it may propose that it work in partnership with other organisations. However, sub-contracting must not be the core objective of the project proposed to the TFV/ICC. Bidders will continue to be primarily responsible for all project management matters (including finance, administration, logistics, implementation, reporting, and correspondence) and will be accountable to the TFV/ICC in this regard.

Where the bidding organisation proposes a partnership with a third party organisation, the total amount of the grant awarded to the sub-contractor and the criteria for their selection (which must be as transparent as possible) must be specified in the proposal. The total amount of the grant awarded to third parties may not exceed 50% of the total amount of the grant paid out by the TFV. Once selected by the TFV/ICC, the bidding organisation will be fully responsible for implementing the project and for the financial management and expenditure of its sub-contractor.

3.6. Monitoring and Evaluation

The TFV insists on the inclusion of monitoring and evaluation plans that facilitate timely and accurate reporting of quantitative data for indicator reporting and, where appropriate, qualitative data that contribute to understanding and reporting on project implementation and outcomes, in accordance with the TFV Performance Monitoring Plan –PMP- (see Exhibit F).

Applicants should propose a comprehensive monitoring and evaluation plan for tracking the progress of project implementation according to the proposed project work plan, including planned results (project objectives and outcomes), activities (outputs), financial and human resources (inputs) and measurable indicators.

The proposed monitoring and evaluation plan must describe methods for obtaining gender-specific data as well as information on how people with specific harms and / or vulnerabilities (e.g. child soldiers and persons with disabilities) are being assisted.

The proposed monitoring and evaluation plan must specify the following:

- source, method, and time-frame for data collection;
- the team, or individual to undertake monitoring-related tasks;
- data quality assessment procedures that will be used to verify and validate the reported results;
- known monitoring limitations, as well as the impact that such limitations may have on project implementation, and proposed measures for mitigating these limitations;
- proposed method of for data analysis, reporting, review, and use;
- A list of proposed indicators, each with its own, realistic target using available baseline data as a comparison.

Please note: The applicant's M&E plan should primarily include those indicators described in the TFV PMP (see Exhibit F).

As part of the cross cutting themes mentioned in its Strategic Plan, the TFV will dedicate resources for capacity building and institutional strengthening of implementing partners to ensure appropriate monitoring and evaluation practices, high-quality service delivery and empowerment.

The selected organisation will be invited to participate to an induction workshop, which will take place before the implementation of the projects starts. The workshop will provide an opportunity to learn more about the Trust Fund, its mandates, victims beneficiary selection and identification process and will allow as well in-depth discussions about reporting requirements for monitoring and evaluation and about indicators. Monitoring and evaluation plans prepared as part of this request for proposal can be adjusted at a later stage on the basis of the information provided during the induction workshop.

3.7. Trust Fund programmatic principles avowed in the Strategic Plan

- A.** Support the advancement of women's human rights; increase the participation of women and incorporating gender perspectives including addressing disparities; and the impact of sexual and gender-based violence in line with *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and UN Security Council Resolutions on women, peace and security.
- B.** Restore dignity and promote peace building, community reconciliation, acceptance, and social inclusion through conflict-prevention, the rebuilding of community safety nets, and mitigation of stigma, discrimination, and trauma.
- C.** Support the rights of children affected by armed conflict by supporting intergenerational responses for integrating and rehabilitating former child soldiers and other war-affected youth in line with the *UN Convention on the Rights of the Child (CRC)*.
- D.** Develop and implement communications and outreach initiatives for cultivating relationships, enhancing visibility, mobilising communities, changing attitudes, managing crisis, generating support, and encouraging financial contributions.

- E. Ensure capacity building to strengthen quality and sustainability.
- F. Work with implementing partners to assess, mitigate and evaluate the likely environmental impact of a proposed project or programme, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.
- G. Facilitate action learning through participatory approach (planning, research, programming, monitoring and evaluation) by safeguarding a dynamic, interactional, and transformative process between people, groups, and institutions that enables victims both individually and collectively, to realize their full potential and be engaged in their own redress.
- H. Conflict sensitivity: 'Do no Harm' is a fundamental principle of the implementation of all TFV programmes to which it is fully committed. TFV programming should not contribute to the creation of further harm, neither for the victims themselves, nor for the society in which they live. Therefore, TFV endeavours to ensure that implementation of all its supported activities has no negative impact and thus does not escalate tensions between beneficiaries and non-beneficiaries to a conflict.
