

Annex A

Public Version



Annex A

(Draft) SCOPE OF WORK

Collective Reparations projects

in relation to the conviction of Thomas Lubanga Dyilo

before the International Criminal Court

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>

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 16 September 2016, the Trust Fund for Victims submitted to the Trial Chamber the public redacted “Filing regarding symbolic reparations projects”.⁵

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”.⁶

On 8 December 2016, the Trial Chamber issued the “Order instructing the Trust Fund to Submit Information Regarding Collective Reparations” (hereinafter “Order of 8 December 2016”),⁷ in which it requested that the Trust Fund provide “sufficient information on the projects for collective reparations envisaged by the TFV in terms of time frame, project components, method of implementation, draft proposals, similar in structure and level of detail to the 19 September Filing concerning symbolic reparations”.⁸

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 service based reparation projects

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-01/04-01/06-3223-Red.

⁶ ICC-01/04-01/06-3251.

⁷ ICC-01/04-01/06-3262.

⁸ Order of 8 December 2016, para. 13.

to be implemented for the benefit of victims, 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 nine years of programmatic experience in Ituri, in eastern DRC.

Collective reparation initiatives merit encouragement and promotion and should be conceptualized as an 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 soldiers. Collective reparations serve to publicly acknowledge the crimes committed, restore victims' dignity, and redress the wounds and 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.”⁹

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 stigmatisation of the victims and discrimination by their families and communities.¹⁰ A gender-inclusive approach should guide the design of reparations¹¹. The Appeals Chamber also emphasized the need for consultation with and participation of victims, their families and, where applicable, communities¹².

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 victimisation. 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 victimisation, discrimination and stigmatisation of young people in these circumstances.”¹³

Reparations should also deter future 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.”

Furthermore, as a general principle, collective reparations 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 stigmatisation of the victims and discrimination by their families and communities. A gender-inclusive approach

⁹ 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.

¹⁰ Amended Order, para. 17.

¹¹ Amended Order, para. 19.

¹² Amended order, paras 29-32.

¹³ Amended Order, para. 67 vii.

should guide the design of reparations. It also emphasized the need for consultation with and participation of victims, their families and, where applicable, communities.

2. Service based collective reparations and proposed project framework

This request for proposals outlines proposed service-based elements of collective reparations, the estimated project budget range, and project timeframe. In particular, the overall collective reparation programme duration of implementation is 36 months with a programme budget of €730,000 EUR.

Collective reparation project proposals must describe the programme activities and how the affected victims and communities of Thomas Lubanga's crimes will participate in the design, implementation, and monitoring of the reparation activities supported by the Trust Fund. The proposed programmatic framework for collective service based reparations projects with an implementation period of three years is as follows:

Main Objective

The overall goal of collective reparations is to redress the former child soldiers and their family members victimized by the crimes of Lubanga overcome the harm suffered through rehabilitation projects in an integrated collective reparations programme consisting of both symbolic and service-based remedies.

Expected outcomes of the integrated projects leading to the main objective,

Collective reparations foster

- Rehabilitation of victim within the affected communities with respect to the harm caused to victims;
- Strengthened victim capacity to deal with mental trauma caused by the crimes and their experiences;
- Improved psychological wellbeing (as fundamental to integrated programming;

- Rehabilitation of vocational, educational, or agricultural skill level; and
- Victim capacity to pursue and maintain socio-economic security.

Project objectives leading to the expected reparation programme outcomes

- A) To improve **mental health** of (direct and indirect) victims through psychological counselling services and community engagement.
- B) To improve the **physical health** and mobility of victims through physical rehabilitation and treatment.
- C) To remedy the **socio-economic** injuries caused to former child soldiers and indirect victims.

Collective service based reparations projects will be implemented through an integrated approach to rehabilitate and redress the multifaceted nature of harms suffered by victims. The victimization experience can be expected to have inflicted mental and physical trauma as well as to have caused social and economic harm that hinders the growth and capacity of victims to cope at present. The proposed projects have been developed and designed in response to victim and affected community declarations and are informed by the nine years of Trust Fund programmatic experience in Ituri province. They are consistent with advice of expert practitioners and applicable technical norms and best practice.

Integrated victim rehabilitation programming entails the rendering of any and all relevant services to each eligible victim (direct or indirect) based on their individual requirements. A victim may avail themselves of multiple service based rehabilitation projects, depending on their individual injury recovery requirements. For example, a victim may receive trauma counseling, participate in vocational training, and subsequently become a member of a village savings and loan association group in their home community. Or, a victim may, for example, receive psychosocial support, medical treatment, and participate in symbolic reconciliatory activities. Integrated service delivery attempts to address the multiple layers of need that victims require to recover from their different injuries whether psychological, physical, or socio-

economic in nature.

Central to the success of all forms of collective reparations is sensitivity to the emotional and interpersonal functioning of each victim. This sensitivity is required throughout the process, including when conducting assessments of eligibility or harm, providing medical care, training courses, or facilitating an income generation project. Psychosocial awareness and education will help stakeholders within the community to come to understand that the behavior of former child soldiers who may react in certain situations in a way that is deviant of the existing social norms is a symptom of the harm that they have suffered. Community members will also be informed that collective reparations are intended to redress this.

A. Mental health

This project component's objective is to improve mental health of former child soldier survivors and their families (indirect victims) through psychological counselling services and community engagement.

There should be a presumption of psychological harm for all former child soldiers, as well as for those indirect victims who are close family members, many of whom were intimidated into providing their children to the UPC/FPLC. Therefore, psychological support will be extended to victims, both at the entry point and during their participation in services.

The approach of the Trust Fund and its implementing partners is to develop a holistic understanding of victims and their interests, as well as to facilitate their capacity to take full advantage of the relevant services. The intent of the psychological rehabilitation is to mitigate the negative impacts of disrupted personal development, traumatic experiences, and lowered social status that originate from the enlistment, conscription, and use of child soldiers.

Traumatic stress is one of several ways in which wartime experiences impact former child soldiers, alongside disrupted development pathways, and lowered social status within the community due to stigma. Taken together, traumatic stress, disrupted development, and social stigma result in reduced coping capacity, which lead to poorer mental health. Based on the

information gathered by the Trust Fund in the field, it is manifest that these harms have also extended to their family members and other indirect victims.

The Trust Fund refers to the description of the proposed psycho-social sensitive approach in the Draft Implementation Plan in regard of the intake of victims into the collective reparation programme. This ‘soft touch’ approach adopts a psychologically sensitive and receptive manner of dealing with victims from their first moment of contact with the programme.

Psychological rehabilitation does not start with meeting the victims; rather it starts with community engagement, in which the Trust Fund and our partners will engage community leaders and trusted stakeholders to discuss the projects and process with them. This community engagement model was extensively discussed in the Trust Fund’s symbolic reparations project framework and in the Draft Implementation Plan. It is crucial for the success of the collective awards that the community is consulted, and that local leaders, cultural leaders, religious leaders, civil society, youth groups, and trusted stakeholders are informed of the projects intent and that their support and co-ownership is obtained for implementation and dissemination of project information.

Building trust and confidence with the community improves victim mobilization and identification efforts. It dispels myths and rumours about the awards, and promotes public information and understanding for the awards, including for the beneficiary selection process.

Foreseeable project activities

Trauma-based counselling provided to victims is important to respond to their psychological rehabilitation needs. They are also important to be undertaken at an early stage of integrated service-based reparation programmes in order to improve the clarity of thought and coping capacity of victims, so that they may take full advantage of other rehabilitative services because in the Trust Fund’s experience, victims that are troubled by trauma cannot take full advantage of socio-economic services. In particular, victims suffering from mental trauma may find it difficult to focus and manage the low levels of stress that accompany the challenges of new training and learning opportunities.

With this in mind, the programme and project intake processes should be structured to best enable a successful victim experience and to give victims the required tools for reintegration. Moreover, counsellors are expected to mentor victims throughout the entire implementation process and support them as they make use of the other rehabilitative services.

A victims' first encounter, at home or in the village, with the collective reparations awards will be a brief introductory conversation with a specially trained local counsellor. The counsellors discuss the about reparations with the victim, including the process, and the types of services available through the collective awards.

In doing so, the counsellors will also collect basic information from each victim in a conversational non-threatening environment. In particular, during those conversations the counsellor learns of the particular experiences of each victim and what coping strategies he or she has developed and whether they are harmful. Counsellors will be in position to offer corrective coping strategies and talk victims through their feelings and experiences. Several such sessions, which should be held over the course several months, will permit the counsellor to understand the depth of trauma and to develop a therapeutic recovery process. It is in this period and through this process that the counsellor provides therapy to the victims. In addition, the counsellors will become able to assess the extent of a victim's harm in a victim- and trauma-sensitive and comprehensive way.

In addition to the benefits inherent to counselling itself, it is important to respond to the victims' psychological needs first to improve their clarity of thought and coping capacity so that all victims are enabled take full advantage of other rehabilitative services, notwithstanding any psychological trauma that they have suffered, e.g. by providing them with tools to manage the low levels of stress that accompany the challenges of new training and learning opportunities.

As an integrated programme, the collective reparations awards are designed to address the damage done to victims' coping capacities. The programme will strengthen affected individuals' internal coping capacity by way of individualized counselling services and equip them to more effectively identify and utilize external coping resources available to them. The Trust Fund has extensive experience in adapting this approach with partners for use in psychological

rehabilitation projects, including on how to develop a trusting environment between the counsellor and the individual victim.

The psychological rehabilitation project component includes an intensive capacity building programme and clinical supervision for local counsellors conducted by a psychotherapist from an implementing partner/bidder. This intensive, hands-on training will give practical experience to the participating local counsellors while providing high quality counselling services to victims.

The **expected outcomes** of the psychological support component are:

- i. Victims possess strengthened coping capacity to deal with the detrimental effects of the harm suffered, as well as post-conflict life in general.
- ii. Community understanding and support of psychological support to victims contributes to its effectiveness.
- iii. Improved community awareness about the effects of the crimes and the potential benefits of trauma rehabilitation
- iv. Mentors are in place to follow up counselling sessions with other forms of support to victims, to assist victims in applying skills learned that will support them during the reparations programme.

B. Physical health

The objective of this programme component is to improve the physical health and mobility of victims through physical rehabilitation and treatment.

Physical rehabilitation is a relevant reparation component for victims; nearly half of all respondents of the 21 communities consulted by the Trust Fund in May and June 2015 cited medical rehabilitation as an area of key concern. Injuries reported by potential victims include inter alia gunshot and fragmentary wounds, burns and contractures, sexually transmitted diseases (STD), orthopedic disorders of the back and joints, and bone fractures.

Foreseeable project activities

Implementing partners/bidder will be requested to identify, evaluate, and triage the physical injuries of victim patients. They will be invited to establish memoranda of understanding (MOU) with existing area clinics, laboratories, and hospitals to facilitate the provision of medical treatment and referrals to care providers. Victim patients will be assisted in attaining treatment and benefiting from service referrals.

Information concerning the availability of physical rehabilitation will be disseminated to participating victims following psychological assessment and first counselling treatment. Medical rehabilitation projects will provide technical staff to provide requisite medical care and therapy as well counselling support during treatment. Projects will also provide support for physiotherapy and assistive mobility devices, such as crutches or wheelchairs.

Medical evaluation by experts and doctors shall be carried out to identify the victims and physical harm. Local capacity is available to support medical evaluations aimed at identifying victims who are living with physical trauma and require medical treatment.

By way of example, treatment is available within the region for the following injury categories: sexually transmitted infections (orchitic, syphilis, gonorrhoea, etc.); surgery to repair fistula or prolapse; and psycho-medical treatment to victims infected with HIV-AIDS is available at all local hospitals. Treatment is also available for bone and marrow infections (osteomyelitis) and vision disorders (ophthalmology). Most hospitals can perform physiotherapy (kinesiotherapy, dressings, retractable scars, etc.), and simple surgical procedures to extract bullets and fragments. In as far as possible, implementing partners/bidders should use these existing capacities.

With the assistance of medical personnel, the assessment and diagnosis of victims' injuries will be carried out. The Trust Fund proposes that as part of this programme component memorandums of understanding (MOU) with area medical service providers (hospitals and clinics) are established and favourable billing rates negotiated.

Care and treatment options will be discussed with the victim to determine their course of treatment and where and when such treatment could be obtained. The project component

includes the facilitation of transport and admittance of victims into hospitals or clinics for the requisite treatment and the management billing obligations. The project component includes arrangement for follow up care visits and monitoring of recovery in close cooperation between the service-provider and the victim patients.

Medical services and treatment may require a substantial time commitment on the part of victims and that these victims may have pre-existing financial and familial commitments. In this respect, the implementing partner/bidder shall discuss the duration of treatment with victims to craft a schedule of care that permits victims to maintain their current familial and financial obligations to the greatest extent possible, and yet to fully benefit from the requisite medical treatment. For instance, for victim patients engaged in agriculture, therefore there are certain seasonal rhythms and events that will be taken into consideration when scheduling treatments.

The **expected outcomes** of physical rehabilitation include:

- i. Access to medical services for victims and indirect victims including referrals and follow-up care.
- ii. Provision of surgical services, corrective treatment, and follow up care.
- iii. Improved physical wellbeing and increased mobility of victims.

C. Socio-Economic Remedies

This project component's objective is to remedy the socio-economic harm caused to former UPC child soldiers and indirect victims.

Their missing out on basic educational and vocational opportunities as a child places former child soldiers at a significant social and economic disadvantage, resulting in their being perceived to be of limited value to the community. The absence of opportunities and resulting diminishment of marketable skills by itself may cause harmful behaviors and in turn elicit further stigma from the community towards former child soldiers. Communities will be sensitized to recognize that these behaviors are symptoms and the consequence of the crimes suffered by the former child soldiers.

Foreseeable project activities

Provision of socio-economic opportunity projects such as vocational training, improve agricultural techniques, and livelihood schemes such as village savings and loans associations (VSLA or “mutuelles de solidarité” – MUSO) are intended to redress this childhood skills gap. The intent of the socio-economic initiatives is for victims to achieve a sustainable livelihood improvement and/or to obtain marketable skills to mitigate and overcome the harms caused to direct victims as a result of having been recruited, enlisted, and used as a child soldiers.

Each participating victim will be interviewed to discuss and evaluate their individual and family-based livelihood interest, whether vocational, educational, or agricultural in nature. Assessing literacy and numeracy skills will facilitate placement into an appropriate training and increase access to quality vocational development. Factors to be taken into consideration when evaluating the options for each victim shall include: literacy levels; a market survey of their area; consideration of whether there is a urban or rural household setting; possible disabilities (physical or psychological); and familial obligations to name a few. Each victim will select their preferred project for socio-economic rehabilitation through an informed livelihood counseling process that fully examines their particular situation.

Trainings and courses may require a substantial time commitment on the part of victims who may have pre-existing financial and familial commitments. Further, the accessibility of training centres for victims may be affected for those residing in remote locations. In this respect, the project shall endeavor to craft flexible training and course schedules to permit victims to maintain their current familial and financial obligations, to mitigate accessibility constraints and to take full advantage of improved skills opportunities. Further, seasonal rhythms and events relevant to an agrarian society will be taken into consideration when designing the vocational training courses. Trainings and courses are envisaged to adopt the following flexible scheduling practices where appropriate to improve access and attendance: evening and weekend schedules, part-time or half day schedules, dry season or seasonal scheduling, and home visits trainers and mentors.

Provision of vocational training opportunities to interested victims

Victims who make an informed decision to pursue vocational skills development shall participate in the market analysis of their community, carried out under the auspices of the implementing partner. A local market survey will evaluate what skills are in high demand in the local economy, and what vocational training services are already available or would need to be developed to meet the local demand. Based on those findings, a menu of skills training course will be developed in response to local market conditions. Annexes D1 and D2 provide a detailed overview of the different skills training opportunities currently available in Ituri.

Where necessary, the implementing partner/bidder is required to afford victims with accelerated literacy and numeracy courses to address the fact that they have lost educational opportunities during childhood and so that they will be able to successfully join in vocational training options. The victim together with a project social worker are expected to explore and evaluate their training options and the related training requirements, based on a discussion of the findings of the market survey for their area, their current education level (including where relevant literacy and numeracy), previous work experience and career development ambitions.

The proposed project component includes the establishment of memorandums of understanding (MOU) with accredited area vocational schools and institutes and the negotiation of favourable course rates. The implementing partners/bidders will be tasked with discussing with the victims where and when training may take place. The implementing partner will also be responsible for facilitating the transport and admittance of victims into the vocational schools or institutes and managing billing obligations. The implementing partner will further be responsible for managing follow up activities and mentoring the victim's performance on the job and or development of a business venture.

The **expected outcomes** of the vocational education component are:

- i. Victims experience a significant improvement and transformation of their ability to undertake economic activities
- ii. Victims are able to provide for their families in a sustainable way.

- iii. Victims will be empowered to establish businesses and acquire assets from the proceeds of their trade practices.
- iv. Victims benefiting from accelerated literacy training and educational training are able to access and create other forms of income generating activities.

Provide improved agricultural techniques and training

Another relevant socio-economic activity that is proposed to form part of the reparations award is the provision of agricultural training on improved agricultural techniques for victims who depend on agriculture for their livelihood and reside in rural setting so that their income from farming and animal husbandry is improved as a result of increased agricultural production and better exploitation systems.

Victims who make an informed decision to pursue improved agricultural techniques shall participate in the market analysis of their area. A local market survey will evaluate what crops are especially valued and/or currently underrepresented in the market. The project will also examine which cereals, tubers, and produce varieties thrive in the prevailing environmental conditions of the area and work with the victim to plan the chosen agricultural initiative. Furthermore, small animal husbandry ventures will also be considered for their appropriateness.

The project will work with victim farmers to select and adopt varieties that are both suited to the growing conditions of their home as well as attractive agricultural products for the local market. The project will work closely with victim farmers to facilitate their access to markets and transportation infrastructure, and to keep them informed of current pricing data in respect of the chosen crops varieties.

The project will fortify training modules with agricultural extension visit and onsite mentoring. Project extension agents will regularly visit the victims at their home and in their fields or gardens to monitor and track progress and to reinforce the skills transfer and techniques acquired in training.

The **expected outcome** of the improved agricultural techniques and trainings are:

- i. Increased application of improved agricultural techniques that increase yield;
- ii. Improved availability of agricultural seed varieties;
- iii. Small animal husbandry among interested beneficiaries;
- iv. Improved agricultural skills among beneficiaries;
- v. Improved access to markets for cash crops or produce;
- vi. Improved household living conditions among beneficiaries.

Provide livelihood assistance through participation in Village and Savings and Loans Associations (VSLA / MUSO)

The provision of livelihood assistance through participation in Village Savings and Loan Associations (VSLA/MUSO) is intended to strengthened and improve economic livelihood opportunities of victims through affordable access to credit in a peer support group environment. The development of savings and loans initiatives is one way to enable young entrepreneurs to make investments and benefit from loans and access to credit in return.

The activities associated with VSLA initiatives in brief are as follows: identifying the communities where VSLA groups will be formed; identification and selection of interested victims (direct and indirect) to comprise the group; and formation of a group between 20-30 persons. The group then gathers for an initial meeting and starts with a VSLA methodology training conducted by the implementing partner a part of this initiative. Once the group has been properly trained so that all group members will adhere to applicable rules, the group selects the VSLA officers (president, treasurer, secretary, and key-holders). The group holds then begins savings collection during a meeting in which all saving contributions are recorded and witnessed by the group. The group will begin issuing loans requested by members. This takes place as follows: Firstly, members requesting a loan present (usually orally) their proposed income generation scheme for consideration by the group. Secondly, the group discusses and votes on the proposal. Thirdly, a loan may be issued to a member for a period of time allowing them to implement the income generation scheme. Thereafter the member must

pay back the loan with interest. The group may meet on a regular basis, e.g. once a week, to conduct VSLA business, savings collections, loan issuance, and repayments.

VSLA groups often also initiate other social activities of joint interest to the members of the group, such as music, drama, dance, or sports. Such associated activities help to deepen the peer support group aspect of the VSLA initiative. Throughout the process the implementing partner will be responsible for providing training to the group and monitoring the functioning of the group with a view to assessing whether or not the group members adhere to the rules and methodology and should be encouraged and fostered by the implementing partner/bidder.

The **expected outcomes** of the VSLA/MUSO livelihood assistance projects are:

- i. Improved economic resilience among participating victims;
- ii. Improved access to credit to pursue home based income generating initiatives;
- iii. Increased confidence from the peer support group aspect of the VSLA/MUSO.

Managing intake and placement of eligible victims, including the role of implementing partners

This issue is pending clarification: uncertainties related to victims' intake and placement exist at present.

As the Trust Fund has discussed in the filing, closely related to the uncertainty pertaining to the *de facto* scope of the reparations programme is the question of how, during the implementation of the awards, the intake and placement of new to be identified eligible victims will be managed, including which role implementing partners of the Trust Fund will play in this regard.

From a programming perspective, it will be important for implementing partners to be able to plan ahead an efficient and effective intake and placement of (groups of) eligible victims. The implementing partner will have to ensure that participating eligible victims receive services in a timely fashion and that eligible victims are placed in the parts of the programme that provide response to the victims' needs arising from harms suffered. This requires the implementing

partner to have infrastructure and capacity in place that corresponds to the requirements of victims at the time when they seek to access the service(s).

The Trust Fund respectfully proposes to the Trial Chamber to be mandated to oversee the screening of victims at the point of implementation in collaboration with its implementing partners in an administrative procedure at the point of intake into the service-based projects, i.e. at the implementation stage as discussed in more detail in the filing.

Funding

Trust Fund intends to allocate €730,000 EUR for the implementation of the service-based project components of the collective reparations programme.

In determining the allocation of available resources to the different projects that are described in detail above, the Trust Fund took into consideration the following parameters:

- The relative incidence of harm as noted in judicial records and as reported to the Trust Fund in its consultations during 2015;
- The relative availability throughout Ituri of institutional capacity and professional expertise required for each of the sub-projects; and linked to that
- The relative financial weight of a foreseeable need to mobilise capacity and expertise from outside Ituri and/or internationally.
- The relative estimation of programme costs to ensure victims with maximum accessibility to the awards for which they are participating.

While the above parameters do not allow for exact calculations, they do facilitate an estimation of the most appropriate distribution of resources amongst each of the sub-projects. The Trust Fund aims to ensure sufficient budgetary flexibility in the programme so as to facilitate any necessary readjustment of financial value amongst the projects.

Based on the above parameters, the Trust Fund submits the following allocation of available resources:

Psychological rehabilitation: 40% - €292,000

Physical rehabilitation: 20% - €146,000

Socio-economic measures: 40% - €292,000

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 TFFV 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 TFV/ICC shall not be held responsible for the cost of preparing and submitting the organisations’ proposal.

a. Cross-cutting themes

i. 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 Trust Fund’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.

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.¹⁴

The Trust Fund 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.

ii. Sensitivity to conflicts

In rolling out all its programmes, the Trust Fund 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 Trust Fund 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 Trust Fund 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.

¹⁴ 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>>

iii. 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 Trust Fund 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 Trust Fund 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.

b. Budget and duration of projects

The projects may be implemented over a 36 month period of time. The project may be extended depending on results and the availability of funds.

The overall programme budget is **€730,000 EUR** (*USD equivalent*).

Based on the above parameters, the Trust Fund submits the following allocation of available resources:

Psychological rehabilitation: 40% - €292,000

Physical rehabilitation: 20% - €146,000

Socio-economic measures: 40% - €292,000

c. Location

The projects may be implemented in the following locations of Ituri Province, in eastern DRC: Bunia, Rwampara, Mandro, Mongbwalu, Tchomia, Kasenyi, Bororo, Kobu, Songolo, Aru, Nyamavi, Katoto, Centrale, Iga-Barriere, Tchenyanabu, Mabanga, Watsa, Bambu, Nizi, Kilo, Mbidjo, Komanda and possibly also other locations where a significant number of (direct and indirect) victims are located to date. The Trust Fund has selected these locations based on their connection to the crimes in the case record and the presence of victims (direct and indirect) that currently reside in these localities.

d. Collaboration and partnership

The close interrelation of the different projects constituting the service-based awards, the need for consistent and integrated reporting on results across projects, as well as the possible need to adjust programming and resource allocation during the implementation period, compels the Trust Fund to stipulate that it will only consider submissions that cover the totality of the requested services. In this regard, the Trust Fund will invite and encourage bidders to form partnerships and to indicate one lead partner agency that will be accountable to the Trust Fund for contractual compliance, quality control and reporting throughout the sub-projects.

Further, partnerships are 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 Trust Fund/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 Trust Fund. Once selected by the Trust Fund/ICC, the bidding organisation will be fully responsible for implementing the project and for the financial management and expenditure of its sub-contractor.

e. Monitoring and Evaluation

The Trust Fund 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 Trust Fund 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.

N.B: 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.

f. 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.
