

Annex A

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Report by the Trust Fund for Victims on a series of informal meetings on 21 and 22 December 2016, exploring the possibility of an engagement with [REDACTED] in Bemba reparations in accordance with 98 (4) of the Rules of Procedure and Evidence (RPE)

It is noted that this report has benefited from the review and inputs by [REDACTED] as well as by the Registry's VPRS, yet that the final version remains the full and final responsibility of the Trust Fund. Additional information received from [REDACTED] is attached in annexes 1 to 4, consisting of overviews over [REDACTED] activities in the CAR and a map of [REDACTED] presence on the ground.

I. Introduction

On 21 and 22 December 2016, the Trust Fund for Victims (hereinafter referred to as the "Trust Fund" or the "TFV") received two high level representatives [REDACTED] in the Central African Republic ("CAR") since 2012, for a series of meetings at the TFV premises in The Hague. Objective of these meetings was to mutually explore whether [REDACTED] could be a potential partner organization in the sense of rule 98 (4) of the Rules of Procedure and Evidence (the "RPE") in regard of implementing the eventual reparations order in the Bemba case.

On 21 December, [REDACTED] representatives met with staff and management of the Trust Fund Secretariat, OTP staff involved in the Bemba case, staff of the OPCV, representatives of Chambers (the head of Chambers and a visiting professional), and staff members of the team of the legal representatives of victims in the Bemba case. On 22 December, a joint meeting with staff of the VPRS and the Registry's Legal Office took place, followed by a concluding meeting between [REDACTED] delegation and the Trust Fund Secretariat.

The meetings provided the forum for an intense exchange and allowed all participants to discuss the opportunities and constraints of administering reparations in the Bemba case in light of the Court's legal framework, including the prevailing contextual and operational circumstances in CAR.

1) Considerations on [REDACTED] as a partner in implementing reparations in accordance with rule 98 (4) of the RPE

The Trust Fund recalls that in its “Observations relevant to reparations” of 31 October 2016, ICC-01/05-01/08-3457, it discussed, as instructed by the Trial Chamber, potentially appropriate types and modalities for reparation awards in the Bemba case. The Trust Fund’s filing included a consideration on applying rule 98 (4) of the RPE. The Trust Fund submitted that *“from an operational perspective, in order for any organization to be able to successfully deliver the implementation of a rule 98 (4) of the Rules reparations award, the organization must fulfill certain operational and technical requirements, including in the present case an established presence in the Central African Republic which allows it access to all victims of the case who may be deemed eligible to benefit from reparation awards, as well as proven experience of working on providing suitable forms of redress to affected persons e.g. in form of administering medical, psychological, or material rehabilitation programs in a relevant context. (...)”*

The Trust Fund further argued *“a rule 98 (4) reparations awards may seem an appropriate option in circumstances where the direct implementation of individual or collective awards would be very challenging for the Court and the Trust Fund. This may be for instance because the Court and the Trust Fund do not have adequate access to all potentially eligible victims or their locations. Such difficulty to access victims may be a direct result of security constraints, which may diminish the Court’s capacity to establish a robust presence in the situation country. (...)”*

From a procedural perspective, the Trust Fund observed that rule 98 (4) of the Rules would require that consultations between various stakeholders take place prior to the Trial Chamber making such an award in the order for reparations. Accordingly, the Trust Fund suggested that it begin consultations in order to determine whether there is a potentially suitable organization and that it will update the Trial Chamber on any developments in this regard. However, in its submission of 31 October 2016, the Trust Fund did not name [REDACTED] or any other organization, as potential rule 98 (4) organizations.

In a meeting between the Trial Chamber and the TFV on 25 November 2016, the Trust Fund *inter alia* further elaborated on the option of applying rule 98 (4), announcing the informal meetings with [REDACTED] in consideration of its expertise and operations relevant to the case, and indicating the Trust Fund’s intent to report to the Trial Chamber on the insights and outcomes resulting from this meeting. The present report serves to fulfil this purpose.

The Trust Fund’s knowledge of [REDACTED] work on reparations¹ as well as the information contained in [REDACTED] prompted the Trust Fund to

¹ The Trust Fund has forged a close relationship with [REDACTED] in the context of its reparations mandate. For instance, [REDACTED] staff were participants at the Trust Fund’s expert consultations in the Lubanga case that took place in May 2015 at the University of Ulster in Belfast, Northern Ireland. [REDACTED]

initiate an informal exchange between the Trust Fund and [REDACTED]. As this exchange developed, the Trust Fund and [REDACTED] considered that it would be mutually beneficial to bring relevant [REDACTED] staff for a series of informal meetings to The Hague in order to take first steps to explore the possibility of cooperation in the context of an eventual reparations order in the sense of rule 98 (4) of the RPE in the Bemba case.

In the view of the Trust Fund, the informal meetings of 21 and 22 December 2016 confirmed that [REDACTED] should be considered a very interesting partner organization for the Trust Fund and the Court in the context of the Bemba case. The meetings made evident that [REDACTED].

During the meetings, [REDACTED] address questions and make suggestions on what could be responses to the various operational challenges that may likely arise in the context of planning and implementing reparations in the Bemba case. Where appropriate, the delegation made reference to relevant examples, [REDACTED].

Further, the [REDACTED] delegation was able to address issues related to the political and operational context in the CAR, based on an intimate knowledge of the current situation in the country and drawing on the operational experience and lessons learnt from [REDACTED] mission in the CAR. At present, [REDACTED] in CAR is involved *inter alia* in protection, [REDACTED].

[REDACTED]

[REDACTED]

² [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



2) Applicable legal and factual framework

In order to set the scene for [REDACTED] delegation and to ensure that it had a sound understanding of the particular legal and administrative framework of the Court and the Trust Fund in which reparations in the Bemba case will have to be administered, the Trust Fund recalled some key elements of the applicable legal framework. Furthermore, factual elements emanating from the criminal trial that will define certain aspects of the scope of reparations were discussed.

a) Legal framework

The Trust Fund recalled in particular rule 98 of the Rules of Procedure and Evidence ("RPE"), entitled "Trust Fund", and the related Regulations of the Trust Fund.

In particular, the Trust Fund recalled that the scope of reparations before the Court is defined by the criminal conviction: victims can receive redress for harm they have suffered that was caused by these crimes. Rule 98 offers the Court various options for reparation modalities, including individual reparations to be made directly from the convicted person to the individual victim; individual reparations with an involvement of the Trust Fund where the award for reparations against a convicted person is initially deposited with the Trust Fund, e.g. in cases where victims still have to be identified; collective reparations and, finally, reparations in accordance with rule 98 (4) of the RPE. The reparations modalities are not mutually exclusive and the Court may combine any of these options.

Rule 98 (4) of the RPE states that:

"Following consultations with interested States and the Trust Fund, the Court may order that an award for reparations be made through the Trust Fund to an intergovernmental, international or national organization approved by the Trust Fund."

The Trust Fund recalled that all elements of rule 98 are expanded upon in the Regulations of the Trust Fund, the legal framework guiding the mandates of the Trust Fund, adopted by the Assembly of States Parties. It noted that Chapter V, entitled "*Awards to an Intergovernmental, international or national organization, pursuant to rule 98 (4)*" contained in regulations 73- 75 reads as follows:

"73. Where the Court orders that an award for reparations against a convicted person be made through the Trust Fund to an intergovernmental, international or national organization, in accordance with rule 98, sub-rule 4, of the Rules of Procedure and

Evidence, the draft implementation plan shall set out, where not already specified by the Court:

- (a) The concerned organization(s) and a summary of their relevant expertise;*
- (b) A list of the specific functions that the concerned organization(s) is/are to undertake in fulfillment of the Court's order;*
- (c) A memorandum of understanding and/or other contractual terms between the Board of Directors and the concerned organization(s) setting out roles and responsibilities, monitoring and oversight.*

74. The Secretariat shall oversee the work of the concerned organization(s) in fulfilling the Court's orders, subject to the overall oversight of the Court."

75. The regulations that relate to individual awards to victims pursuant to rule 98, sub-rule 2, and collective awards to victims in accordance with rule 98, sub-rule 3, shall apply mutatis mutandis to the procedures of the Board in implementing rule 98, and sub-rule 4, as appropriate, depending on whether the Court has indicated that the award shall be individual or collective.

b) Factual framework

In several meetings participants discussed the fact that the criminal case against Mr. Bemba clearly delineates various aspects of the scope of reparations. [REDACTED] delegation observed that the existence of such precise parameters defining reparations would facilitate implementation.

[REDACTED] was explained that any harm to be redressed through the reparations must be a result of crimes committed by a contingent of *Mouvement de Libération du Congo* ("MLC") troops, of which the Trial Chamber found Mr. Bemba to have effectively been the military commander in the time period of 26 October 2002 to 15 March 2003, i.e. the time from when the MLC troops entered into the territory of CAR until they left again. Accordingly, the same time frame delineates the temporal scope: harm suffered by victims in the Bemba case that was originally inflicted during this period may give rise to eligibility for reparations.

Furthermore, meeting participants noted that the findings of the criminal trial set the frame for the geographic scope, thereby clarifying another factor that will be important in the context of implementing reparations. In particular, the Chamber has established as part of the criminal trial that the MLC soldiers directed a widespread attack against the civilian population in the Central African Republic throughout the period of the charges and committed many acts of pillaging, rape, and murder against civilians, over a large geographical area, including in and around Bangui, PK12, PK22, Bozoum, Damara, Sibut, Bossangoa, Bossembélé, Dékoa, Kaga Bandoro, Bossemptele, Boali, Yaloke, and Mongoumba. Meetings participants argued that the geographic scope for reparations should follow these findings and be set wide and flexible.

Another element which, as several meeting participants agreed, will greatly assist in correctly identifying potentially eligible victims is the fact that, as confirmed in different conversations, there seems to be a clear awareness in CAR whether someone was a victim of the MLC troops, as opposed to being a victim of any of the other forces involved in the 2002-2003 conflict.

██████ delegation noted that such certainty about who was aggressor causing the particular harm that gives rise to eligibility for benefitting from a reparations programme, does not exist in all reparation contexts and that this would greatly help in identifying and verifying potential victims. For instance, in the context of ██████, victims frequently cannot tell which one of the various unofficial armed forces has harmed them in a particular incident.

II. Key insights that emerged from the meetings

The meetings had the common objective to give the representatives of ██████ and those from the Court/Bemba case stakeholders the opportunity to get more acquainted with one another as well as to exchange questions and answers related to how reparations could best be implemented in the particular context of the Bemba case. In these exchanges, four key insights emerged that were discussed in different constellations of meeting participants.

A first complex of discussions concerned the question of how reparations in the Bemba case will be funded and to what extent funds will be available.

A second complex of discussion that came up repeatedly in the various meetings concerned the issue of victim tracing, identification and verification of eligibility and an exchange of ideas of how to best go about it. In this context, stakeholders from the Court, including representatives of the OPCV, the legal representative of victims and the VRPS, sought to explore what possibilities ██████ as an organization could potentially offer to assist with these matters. Furthermore, meeting participants discussed the related question of required and available evidence to prove eligibility and burden of proof.

A third recurring discussion concerned the security situation in the CAR and other contextual circumstances that may impact on the choices of how to most adequately administer reparations. The representatives of ██████ contributed greatly to this discussion, providing relevant considerations drawn from ██████ operational experience on the ground.

A fourth complex of discussion concerned possible next steps in the Bemba reparation proceedings in light of the meetings and ██████ input.

1) On funding the awards

An issue of discussion that interested all participants from the outset, and that came up repeatedly in the various meetings was the question of how much funding would be available from Mr Bemba's recovered assets for implementing reparations.

There was agreement that the availability and the different potential sources of funding would influence both procedural and substantive elements of any possible reparations order.

Based on [REDACTED] experience in other reparation contexts, [REDACTED] delegation underlined the need for proportionality between money spent on process and on actual reparation awards to victims. The delegation noted that in the context [REDACTED]

[REDACTED] Conversely, in more modestly sized reparation schemes one would have to make choices not to spend too high a proportion of the available funds on process. It was also remarked that some reparation awards cost less to implement, e.g. individual, unconditional cash payments are cheaper to administer than complex collective awards, although it was made clear that in the present context of CAR, this approach is likely to fail (see below at point 3 for a more detailed account).

Meeting participants worried that the financial assets of Mr. Bemba could be significantly less significant than anticipated and hoped for.

There was agreement that it would be important to have established and communicated to all stakeholders in these reparation proceedings, prior to the start of the implementation of awards, to what extent and from which sources financial resources will be available for reparation purposes. The Trust Fund also noted in the context that, at its discretion, the Board of Directors of the Trust Fund may decide to complement from the Trust Fund's own resources funds for the implementation of reparations in the Bemba case in accordance with Regulation 56 of the Regulations of the Trust Fund. The amount of such a "complement" would depend on various factors, not least the availability of resources in the Trust Fund's reparation reserve in light of the various reparation proceedings pending at present before the Court.

2) On victim tracing and identification, verification of eligibility, including evidentiary issues

A central theme of discussion that came up in the meetings between [REDACTED] and the various stakeholders in the Bemba case concerned the procedural and practical questions related to ensuring that eligible victims could be found and identified and their eligibility verified so that they could *de facto* benefit from reparations.

Meeting participants observed that since the 2002-2003 conflict (giving rise to the Bemba case) new waves of conflicts have affected and continue to seriously affect the population of the CAR. These conflicts have resulted in a very tense security situation and political

instability. A significant proportion of the population of CAR has been displaced, both internally and to neighboring countries and the communities that were affected by the crimes in 2002-2003 have likely been torn apart and dispersed since.

It was reported that due to the difficult circumstances prevailing in the CAR and despite all reasonable efforts, maintaining contact with and access to participating victims is highly challenging. Many of the respective clients of both the OPCV and the Legal Representative of Victims may at present no longer reside at the address indicated in the victim participation forms but may now live in another location or even have died.

a) Tracing “known” victims

One question discussed therefore concerned whether and how it would be possible to trace any “known” victims, i.e. victims who have applied to participate in proceedings and are now represented either by the Legal Representative of Victims or the OPCV and with whom the Court lost contact because of the difficult security situation in the CAR, characterized by significant displacement as well as due to the long time that has passed since the applications for participation were originally filed.

Since [REDACTED]

[REDACTED] The VPRS explained to [REDACTED] delegation what kind of information was contained in the participation forms. [REDACTED]

[REDACTED] delegation cautioned that certain types of information contained in the Court’s victim participation forms, such as “ethnicity”, for reasons of current political sensitivity may at present not be used for tracing purposes whilst other information, including the name or date of birth may be directly helpful.

[REDACTED] delegation also noted that the fact that the temporal scope of the atrocities was very clearly defined would greatly assist in this tracing effort. Other factual elements as established by the criminal trial e.g. that the relevant crimes which caused the harm that gives rise to reparations initially happened in Bangui and that the MLC troops from there progressed along the Northern axis, a geographic area [REDACTED], will also be of help in establishing the whereabouts of potential victims and in verifying their

claims. [REDACTED]

b) Identifying unknown victims

In addition to tracing “known” victims, i.e. victims who have already been granted by the Court the right to participation in the criminal trial, the question of identifying further potentially eligible victims who were not yet identified, was discussed.

In various meetings it was noted that a particular feature of the Bemba case was the high number of more than 5000 participating victims. However, meeting participants also agreed that victims who had been granted the status of “participating victims” were not the totality of all potentially eligible victims who may have a rightful access to reparations.

When asked explicitly by the representatives of Chambers for an estimate of a total number of all potentially eligible victims in the Bemba case, [REDACTED] delegation replied that they could not provide the answer to that question at this stage, but that it would be possible and feasible to identify the potentially eligible victims in the course of the implementation of reparations awards.

[REDACTED] delegation noted that an attempt to identify/map all potentially eligible victims at the present stage would almost certainly backfire since the actual implementation of reparations is still far away and that in their view, prior to a reparations order legally defining who will be eligible to receive reparations, it would be difficult even to know who exactly such prior mapping / identification exercise should be looking for. Moreover, because of the ongoing conflict and displacement in CAR, anyone who would be identified and traced at the present stage would have to be located again at a later stage, consuming scarce resources. Furthermore, a mapping of victims, which is not immediately followed by the implementation of reparations, risks unnecessarily frustrating the immediate expectations of victims.

In this context, several meeting participants noted that the CAR is characterized by a climate in which everyone, not least the potential victims of the present case, have completely lost their trust in authorities.

[REDACTED] delegation and several meeting participants noted that the political instability and insecurity in CAR is exceptionally protracted and frustrating. Over the course of the last few years the people of the CAR have been mapped/questioned by many different humanitarian stakeholders and in many different contexts, only to experience that their answers and their willingness to cooperate failed to bring about any positive change or benefit. As a result, people in CAR have become increasingly unwilling to cooperate with any mechanism that does not result in an immediate and tangible improvement their situation.

It was also discussed how difficult it was in this climate of distrust and frustration to dispel unfounded rumors that frequently and easily came up. To achieve any results in the CAR, one had to be extremely careful in devising a transparent outreach and communication strategy that had to be accompanied by a very timely concrete operational follow-up throughout the reparations implementation phase following the reparations order. In this regard, mapping of victims and victim identification would best be closely connected the actual implementation of the award.

c) On [REDACTED] experience of applying evidentiary standards

[REDACTED] delegation reported that based on [REDACTED] the applicable evidentiary standard and, in particular, the kind of evidence allowed to prove eligibility, are of primary importance as to whether the reparations scheme is viable and credible. In this regard, the entity administering its implementation must ensure that all victims with a potential right to reparations are able to access and receive the appropriate awards, if they so wish, whilst fraudulent claimants are excluded.

Meeting participants who have experience of working in CAR unanimously agreed that official documentation in the CAR was unreliable, often non-existent and hard to obtain. [REDACTED] delegation specifically noted that authorities in certain parts of the CAR would refuse to issue any documents, such as birth certificates or death certificates, to someone with a Muslim last name.

An complementary, flexible approach to evidence reflecting this reality would be to accept alternative sources of evidence, including circumstantial evidence; local history as a source of evidence; statements corroborating one another; religious records of churches and mosques (e.g. for ascertaining the date of birth/death of a person); and protocols of family councils.

[REDACTED] delegation noted that the detailed history of the conflict that is reflected in the temporal and geographic scope and further findings of the criminal trial could prove very helpful, firstly in identifying further victims potentially eligible for reparations in addition to the participating victims and secondly, in verifying the alleged harm in relation to all victims.

[REDACTED] Initially evidentiary requirements were so high that only a very small percentage of victims were able to meet them, a dilemma that became quickly evident once implementation began. [REDACTED]

[REDACTED] Gradually, and over time evidentiary

rules were revised and became increasingly flexible. In fact, towards the end of the implementation phase, the [REDACTED] legally overseeing [REDACTED] implementation of the [REDACTED] reparations programme had moved away from requiring evidence in form of official documents. Instead it started to accepted that a claimant could be granted reparations if he/she was one several victims telling the same story, in particular if this story was corroborated by circumstantial evidence (e.g. local records showing that a prisoner camp where the claimants claimed to have been detained existed in a given location).

[REDACTED] delegation noted that in many ways the situation in the Bemba case raises similar challenges to those that [REDACTED] encountered in the context of [REDACTED]. There is a widespread unavailability of official documentation. At the same time the number of victims in the Bemba case is sufficiently high to expect that several victims will come forward who have suffered during the same incident (e.g. because they lived in the same settlement that was looted by MLC troops on a certain day) so that their stories could corroborate one another. Victim identification and verification in the Bemba case would benefit greatly, if the Chamber allowed the application of circumstantial evidence. Comparing victims accounts with one another and with historical evidence, it should be possible to juxtapose the pattern of harm emerging from victims accounts to known details of the movement of MLC troops (into CAR to Bangui and from there to the North and back to Bangui and out of CAR) as documented in the Court's conviction to a high degree of specificity.

It was also reported that many participating victims were unable to obtain local Court records. In this context, [REDACTED] delegation made reference of an example based on experience in the [REDACTED]. In a situation where the ongoing conflict the effectiveness of the administrative and legal systems continues to be weak, official documents could easily be bought for a minor bribe, e.g. a magistrate would issue a fake death certificate for a minor "donation". [REDACTED] argued that informal documentation that was more difficult or complex to forge, such as e.g. a protocol of a family council/reunion [REDACTED] could carry more weight and credibility than an "official" document, especially if the informal documentation could be further corroborated by other contextual information.

More in general, [REDACTED] advocated to leave sufficient flexibility to the implementing body (whichever that is) so that evidentiary rules can be gradually refined and adapted as an accurate reflection of the situation on the ground as it emerges when victims begin to submit evidence because only then it will be clear what kind and types of evidence will be available. [REDACTED] delegation referred back to its example of [REDACTED] noting that the main lesson learned from that Programme was that if one puts too rigid rules down from the start, one ends up excluding victims not because they have not suffered harm but simply because they cannot comply with the rigid, abstract

evidentiary rules developed at a time when the “reality” of what victims can provide is not yet clear.

3) Accounting for the contextual situation in the CAR

An important crosscutting theme of many of the discussions was the very difficult and complex contextual situation in the CAR, how it may affect the implementation of reparations and what solutions could be found to overcome the challenges that this context poses for the implementation of reparations. Several points raised in the meetings have already been mentioned above, including the problem of scarcity of official documentation; the fragile security situation affecting access to the victims e.g. for their counsel and the OPCV; the frustration of the population with government authorities, NGOs and the international community in general because of the many promises made in other contexts in the past; or the massive and still ongoing displacement which will affect the tracing and identification of victims.

One factor that meeting participants identified and that they considered any eventual reparation efforts will have to bear in mind is the fact that the tense situation in the CAR, a country marred by conflicts, poverty, and despair, has created a climate of “every man for himself”, in which the social fabric and mutual trust have been eroded. Meeting participants concluded that this would directly affect both the reparations from a substantial and procedural perspective.

It could be argued that one of the most cost-effective forms of reparation awards are individual cash awards. [REDACTED]

[REDACTED]

[REDACTED]

██████ delegation also explained that in CAR there exists an unusual climate of envy, likely caused by the desperate situation of the population, the many broken promises, and the seemingly never-ending conflicts. ██████ for instance simultaneously implemented a parallel programme in two different neighbourhoods of Bangui that had both suffered from comparable problems with a comparable number of inhabitants. However, the population of each neighbourhood was upset about the thought that the other neighbourhood may get something. Rumours started that this fact may in some way be to the detriment of the own neighbourhood. Where possible, the population of the neighbourhood, despite receiving aid, therefore publically protested against the other neighbourhood also receiving aid.

Against this background, the representatives of ██████ suggested that it would be important that beneficiaries of reparations were to receive these reparations simultaneously (in as far as possible) to minimize envy. Because of the general frustration and lack of trust in any mechanism that claimed to help them, meeting participants agreed that it was very important to have a clear communication strategy with a quick follow up to announcements. Victim must be involved in making choices and patronizing them must be avoided. Whilst it may be feasible that some victims receive unconditional cash (e.g. old or disabled persons – and also in this cases, careful security arrangements have to be put in place), there would be problems in administering a large unconditional cash scheme because of the security challenges that this would cause for those receiving the cash.

To ██████ representatives, a viable alternative seemed an integrated approach to reparations with a collective scheme that could cater for the individual needs of victims so that each victim would receive the awards and services most appropriate to remedy the harm they have suffered, such as medical treatment or a scholarship. It should be acknowledged that existing capacities for specialized service delivery on the ground in CAR are at present severely limited. For example ordering psychological support may not an option unless the reparation award involves a capacity building element because such expertise barely exists on the ground. ██████

Another important contextual fact that was mentioned by the meeting participants, concerned the fact that the precarious health situation of a significant number of victims (in particular for those suffering from HIV infections) made the timeliness of reparations ever more important.

As a result of the subsequent conflicts many of the victims of the Bemba case have been displaced and also dispersed so that they no longer live in the same community to which they originally belonged at the time of the crimes that give rise to this case. Therefore in many instances, in a community only a small percentage of e.g. 10 % would be eligible to benefit from reparations. ██████ also noted that, as a result, a purely communal approach to collective reparations would not work in this case.

██████ delegation observed that the fact that Mr. Bemba had been found guilty by the Court was a beacon of hope for many people in the CAR because it meant the end of impunity, at least for one of the perpetrators that have caused atrocities in the CAR, and

that the population in CAR hoped that other cases (and convictions) would follow. Accordingly, there was potential for a very positive impact of reparations and that the Court should be mindful of the high symbolic value of reparations in the CAR context.

4) Next steps

One last issue that the meetings discussed was what next steps should be undertaken by the various stakeholders and the Court in order to move the process forward.

Meeting participants noted that they had appreciated learning about [REDACTED]. There was particular interest in [REDACTED]. Participants expressed appreciation of the option to engage [REDACTED] as a rule 98 (4) organization, expressing hope that this could be a pragmatic solution in light of the fragile security situation curtailing the Trust Fund's and the Court's reach in the CAR.

VPRS noted that it had previously suggested to undertake a victim mapping exercise in preparation for the reparations order. [REDACTED] delegation cautioned that a mapping of the participating victims would be a costly and complex undertaking and could not be achieved with limited resources (such as one consultant) but would require a much more robust structure. It was considered whether such a mapping would not cause further frustration to victims. [REDACTED] delegation also noted that because of the ongoing displacement the results of such a mapping may be redundant at the time of actual implementation.

The Trust Fund Secretariat informed [REDACTED] that before a reparations order under rule 98 (4) of the RPE can be issued, rule 98 (4) of the RPE requires the Court to hold consultations "with interested States and the Trust Fund" and that the rule 98 (4) organization must be approved by the Trust Fund. [REDACTED] offered informal advice, based on its cooperation with the government authorities of CAR, should the Court wish to consult with the government of CAR. [REDACTED] representatives also cautioned that the political situation in CAR continued to be very volatile so that it was likely that there could be changes in who is the responsible government counterpart.

Participants also mentioned the possibility of a public hearing, which many participants considered to be a good idea for further clarifying open questions and bringing in additional outside expertise.

It was agreed that one important next step that will help all stakeholders in advancing reparations in the present case would be further clarity about available assets recovered from Mr. Bemba.

III. Conclusion

The atmosphere of the meetings was one of mutual respect and joint learning and allowed participants to gain a better understanding of the various existing and potential roles, responsibilities and capacities. Particularly productive seemed the exchanges on the contextual constraints resulting from the difficult situation in the CAR and a joint brainstorming as to possibilities to respond to them.

[REDACTED]

In the view of the Trust Fund, the advantages of engaging with [REDACTED] in the context of a rule 98 (4) of the RPE award have become more evident as a result of the informal meetings.

The Trust Fund is of the view that an engagement with [REDACTED] in the context of a rule 98 (4) award is an avenue worth serious consideration by the Chamber, as it will allow the Trust Fund and the Court to use the existing capacities of [REDACTED] for the timely implementation of reparations without requiring the Trust Fund and the Court to first build up its own capacities in the CAR, an effort that might not be feasible in light of the security constraints and, even if it were, would require significant time and financial resources.

[REDACTED] delegation, on its part, signaled an interest to potentially be considered as a rule 98 (4) of the RPE organization, pending further exchanges.

In view of the above, the Trust Fund invites the Chamber to consider the following options for next steps:

- A meeting between the Chamber, Trust Fund and Registry representatives, allowing for an exchange and further clarification on the insights and issues identified in the present report;
- A public hearing on reparations, allowing parties and participants, the Central African Republic, the Trust Fund, Registry as well as [REDACTED] and other interested experts or expert bodies, to make observations on procedural and substantive topics selected by the Chamber;
- Eventually, a letter of intent between the Trust Fund and [REDACTED] specifying the initial scope and nature of an engagement under rule 98 (4), serving as a foundation for the reparations order.
