

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/04-02/06**
Date: **12 February 2024**

TRIAL CHAMBER II

Before: Judge Chang-Ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. BOSCO NTAGANDA

Public

**Trust Fund for Victims' Fifteenth Update Report on the Implementation of the Initial
Draft Implementation Plan**

Source: The Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. BACKGROUND

1. The Trust Fund for Victims (“TFV”) hereby submits its fifteenth bimonthly update report pursuant to Regulation 58 of the Regulations of the Trust Fund for Victims, and in accordance with Trial Chamber II’s (“Trial Chamber”) decision approving the Initial Draft Implementation Plan (“IDIP”) in the case of *The Prosecutor v. Bosco Ntaganda* and directing the Trust Fund for Victims to report to the Trial Chamber at least every two months on the implementation of the IDIP.¹

2. On 11 August 2023, a month after the Trial Chamber had issued the Addendum to the Reparations Order of 8 March 2021 (“Addendum to the Reparations Order”),² the Trial Chamber issued its First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations (“First Decision on the DIP”),³ approving the TFV’s draft implementation plan in large part and deciding that, during the reparations implementation phase, the eligibility process, including the identification of new beneficiaries, be conducted by the Registry/Victims Participation and Reparations Section (“VPRS”) and outreach be conducted by the Registry/Public Information and Outreach Section (“PIOS”).

3. On 11 December 2023, the TFV submitted its Fourteenth Update Report on the Implementation of the Initial Draft Implementation Plan (“Fourteenth Update Report”).⁴

II. REGULATION 58 UPDATE REPORT

4. This update report covers the activities relevant to the implementation of the IDIP conducted by the TFV between 12 December 2023 and 9 February 2024. It provides (A)

¹ Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#).

² Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659, 14 July 2023, ICC-01/04-02/06-2858-Conf. A public redacted version was filed on the same day: [ICC-01/04-02/06-2858-Red](#).

³ First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, 11 August 2023, ICC-01/04-02/06-2860-Conf, (“First Decision on the DIP”). A public redacted version was filed on 30 August 2023: [ICC-01/04-02/06-2860-Red](#).

⁴ Fourteenth Update Report on the Implementation of the Initial Draft Implementation Plan, 11 December 2023, [ICC-01/04-02/06-2885-Conf](#).

information on external challenges, and (B) an update on the status of the eligibility assessments under the purview of the TFV.

A. External Challenges

5. During the reporting period, elections took place in the Democratic Republic of the Congo on 20 December 2023. Overall, the security situation remained volatile around the electoral period, and after the election the security situation in the areas of operation of the programme, in particular in Djugu, Kobu and Nyangaray, improved. In parallel, advances of certain rebel groups in specific areas increased violence, displacement and demonstrations. However, this environment has not posed new or unforeseen challenges in the implementation of the *Ntaganda* IDIP activities.

B. Update on the Eligibility Assessment

6. It is recalled that for the purpose of the IDIP, eligible victims benefit from services personalised according to their urgent needs and organised around three pillars: psychological support, medical support and socio-economic support. Following intake into the programme, beneficiaries are provided with psychological support in the form of a basic intervention at a *centre d'écoute*, psychological support with a specialist or treatment within a specialised structure. In parallel, medical needs are addressed with interventions ranging from a simple treatment to surgery for the most severe cases. Lastly, socio-economic reparations are awarded through attendance to a basic training entrepreneurship, and the financing of an income generating- activity, if any. Follow-up sessions and capacity strengthening activities are organised after the beneficiaries have started their income generating activities. Eligible victims start benefitting from the programme once their priority status and the urgency of their needs has been established and approved by the Trial Chamber. All victims' costs associated with their participation in the programme, such as transportation costs from their place of residence to a medical structure, are covered.

Victims whose urgent needs were reviewed by the TFV and are awaiting intake to the IDIP programme

7. From the First Decision on the DIP on 11 August 2023 until 8 December 2023, the TFV continued carrying out the urgency assessment of those victims whose information on urgency had already been collected.⁵ Accordingly, in this period, the TFV submitted its assessment for six further victims in the Fourteenth Update Report. The determination on submissions of these six victims are pending with the Trial Chamber, together with those of the 17 victims whose urgency assessment was submitted by way of the Thirteenth Update Report.

8. Pursuant to the First Decision on the DIP, the TFV will proceed to contact them within 30 days of a Trial Chamber's decision on their eligibility.⁶

Victims whose urgent needs were reviewed by VPRS and are awaiting intake to the IDIP programme

9. On 8 December 2023, VPRS informed the TFV to be in a position to carry out the eligibility and urgency assessment from such date onwards. Accordingly, it informed the TFV that it will submit to the TFV, in line with the First Decision on the DIP, the names and contact information of those priority victims who were found eligible and in urgent need. Accordingly, on 23 January 2024, VPRS submitted to the Trial Chamber the "First Registry Notification of VPRS Determination of Victims' Eligibility for Reparations and/or Priority Status".⁷

10. On 2 February 2024, VPRS submitted its analysis of the urgency as part of its "First Registry Report on VPRS Determinations of Victims' Most Urgent Needs".⁸

⁵ Thirteenth Update Report, paras 16, 20 and 21.

⁶ First Decision on the DIP, para. 170.

⁷ First Registry Notification of VPRS Determination of Victims' Eligibility for Reparations and/or Priority Status, 23 January 2024, [ICC-01/04-02/06-2890](#).

⁸ First Registry Report on VPRS Determinations of Victim' Most Urgent Needs, 2 February 2024, [ICC-01/04-02/06-2891](#).

11. Pursuant to the First Decision on the DIP, the TFV will proceed to contact them within 30 days of a Trial Chamber’s decision on their eligibility.⁹

Victims already deemed eligible for IDIP purposes and subject to the request for suspensive effect

12. It is recalled that in the Addendum to the Reparations Order, the Trial Chamber found that victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13 were not eligible to benefit from initial reparations measures.¹⁰ All four individuals had been initially found eligible by the TFV. The Common Legal Representative of Victims of the Attacks (“CLR2”) filed a notice of appeal against the Addendum to the Reparations Order, together with a request for suspensive effect in relation to the finding of the Trial Chamber that their four clients were not eligible.¹¹

13. On 3 February 2024, the Appeals Chamber rejected the requests of the Defence and of the CLR2 for suspensive effect of the appeals against the Addendum to the Reparations Order.¹²

14. Keeping in mind the issues currently under appeal¹³ and respecting the do no harm principle, the TFV is currently exploring options to ensure proper implementation of the Addendum to the Reparations Order.

CONCLUSION

15. The TFV respectfully requests that the Trial Chamber take note of the present update report and stands ready to provide further clarifications.

⁹ First Decision on the DIP, para. 170.

¹⁰ Addendum to the Reparations Order, para. 143 and fn 320.

¹¹ Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, and Request for Suspensive Effect in relation to Trial Chamber II’s Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13, ICC-01/04-02/06-2862.

¹² Decision on the requests for suspensive effect and other procedural issues, 5 February 2024, [ICC-01/04-02/06-2892](#) (“Suspensive Effect Decision”), paras. 51-55.

¹³ Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, and Request for Suspensive Effect in relation to Trial Chamber II’s Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13, ICC-01/04-02/06-2862



Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims

Dated this 12th Day of February 2024

The Hague, The Netherlands