

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-01/06**

Date: **5 April 2024**

TRIAL CHAMBER II

Before: Judge María del Socorro Flores Liera, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public

**Thirteenth Decision on the Trust Fund for Victims' administrative decisions
on applications for reparations and additional matters**

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

Office of the Prosecutor

Counsel for the Defence

Legal Representatives of Victims

The Office of Public Counsel for Victims

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Trust Fund for Victims
Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trial Chamber II (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Thomas Lubanga Dyilo* (the ‘Lubanga case’), having regard to Articles 75 and 79 of the Rome Statute, Regulations 23bis of the Regulations of the Court and Regulation 58 of the Regulations of the Trust Fund for Victims (the ‘TFV’), issues the following ‘Thirteenth Decision on the TFV’s administrative decisions on applications for reparations and additional matters’ (the ‘Decision’).

I. Procedural history and submissions

1. On 21 October 2016, the Chamber approved the programmatic framework for collective reparations submitted by the TFV and ordered the TFV to file a report every three months detailing the concrete progress it has achieved.¹
2. On 6 April 2017, the Chamber approved the programmatic framework for service-based collective reparations as submitted by the TFV.²
3. On 7 February 2019, the Chamber further ordered the TFV to include in its progress report any relevant information on the process of locating new applicants and determining their eligibility for reparations.³
4. On 6 December 2023, the TFV submitted its confidential progress report on the implementation of collective reparations (the ‘23rd Progress Report’).⁴
5. On 6 March 2024, the TFV submitted its confidential *ex parte* progress report on the implementation of collective reparations (the ‘24th Progress Report’).⁵ In the 24th Progress Report, the TFV notes that in the next months, the reparations programme in the *Lubanga* case and the reparations programme for child soldiers in *The Prosecutor v.*

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

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

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

⁴ Twenty-third progress report on the implementation of collective reparations as per Trial Chamber II’s decisions of 21 October 2016, 6 April 2017 and 7 February 2019, 6 December 2023, ICC-01/04-01/06-3560-Conf.

⁵ Twenty-fourth progress report on the implementation of collective reparations as per Trial Chamber II’s decisions of 21 October 2016, 6 April 2017 and 7 February 2019 and request to amend the reporting schedule to the Trial Chamber (‘24th Progress Report’), 6 March 2024, ICC-01/04-01/06-3563-Conf-Exp.

Bosco Ntaganda (the ‘*Ntaganda* case’) will be merged.⁶ The TFV requests that the Chamber permit the TFV to consolidate the progress reports for these two cases to avoid duplication of reporting and to ensure that reporting efforts are timely, substantive and relevant.⁷

6. The TFV further requests that the Chamber permit the TFV to submit consolidated progress reports every four months, starting 27 June 2024, as opposed to the current three month reporting period. In support of its request, the TFV submits that since its implementing partners are contractually required to submit quarterly reports to the TFV, the TFV providing its progress report to the Chamber every four months will ensure that the progress report fully encompasses the information provided in the reports of the implementing partners.⁸

II. Analysis

7. Regarding the TFV’s request to consolidate its progress reports in the *Ntaganda* and *Lubanga* cases, the Single Judge considers that as the reparation programmes will be merged and both cases are before this Chamber, a consolidated report will assist the Chamber in maintaining a concise overview of the progress of the reparations programme. To ensure that the record of both cases is comprehensive, the Single Judge instructs the TFV to file its consolidated report in the record of both the *Lubanga* case and the *Ntaganda* case. If the TFV intends to file confidential or *ex parte* information that is specific to either case, it must file this information separately in the relevant case file. Further, when reporting statistics regarding the reparations programmes, the TFV should delineate between the relevant cases.
8. Noting the TFV’s submissions, the Single Judge considers the TFV’s requests for modification of the reporting scheduling reasonable and thus, the Single Judge amends the reporting schedule from three months to four months, starting 27 June 2024.

⁶ 24th Progress Report, ICC-01/04-01/06-3563-Conf-Exp, para. 29. The Single Judge notes that insofar as she refers to information contained within the confidential *ex parte* filing in this public decision, she does not consider that the information warrants confidential treatment.

⁷ 24th Progress Report, ICC-01/04-01/06-3563-Conf-Exp, para. 29.

⁸ 24th Progress Report, ICC-01/04-01/06-3563-Conf-Exp, para. 30.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the TFV's requests in full;

INSTRUCTS the TFV to file the consolidated report in the case record of the *Lubanga* case and the *Ntaganda* case; and

DIRECTS the TFV to either file public redacted versions of the 23rd Progress Report and the 24th Progress Report, request their reclassification as public, or justify the need to maintain the current classification level, if applicable, within five days from notification of the present Decision.

Done in both English and French, the English version being authoritative.



**Judge María del Socorro Flores Liera,
Single Judge**

Dated this 5 April 2024

At The Hague, The Netherlands