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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 Redacted Version
of
Decision on the TFV's First Progress Report on the implementation of the Initial
Draft Implementation Plan and Notification of Board of Directors' decision pursuant
to regulation 56 of the Regulations of the Trust Fund**

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

Legal Representatives of Victims

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Unrepresented Victims

**Unrepresented Applicants for
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Section**

Mr Philipp Ambach

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Others

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘Ntaganda case’), having regard to articles 75 and 79 of the Rome Statute and Regulation 23 *bis* (3) of the Regulations of the Court, issues this Decision on the TFV’s First Progress Report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Directors’ decision pursuant to regulation 56 of the Regulations of the Trust Fund (the ‘Decision’).

I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI, delivered the Reparations Order,¹ *inter alia*, directing the Trust Fund for Victims (‘TFV’) to submit an urgent plan for priority victims.²
2. On 8 June 2021, the TFV submitted the initial draft implementation plan with focus on priority victims (the ‘IDIP’).³ Pursuant to the Chamber’s instructions,⁴ the parties and the Registry submitted observations⁵ and the TFV submitted a reply.⁶
3. On 23 July 2021, the Chamber issued a decision (‘Decision on the IDIP’),⁷ approving the IDIP, subject to certain amendments and additional information to be provided by the TFV. The Chamber also directed the TFV to file progress reports on the advances on implementation every two months, and to make an alternative proposal for the administrative eligibility assessment and urgency screening in the next report.

¹ Trial Chamber VI, *Prosecutor v. Bosco Ntaganda*, Reparations Order (‘Reparations Order’), 8 March 2021, [ICC-01/04-02/06-2659](#).

² Reparations Order, [ICC-01/04-02/06-2659](#), p. 97.

³ Report on Trust Fund’s Preparation for Draft Implementation Plan (notified on 9 June 2021), ICC-01/04-02/06-2676-Conf, with Annex A, Initial Draft Implementation Plan with focus on Priority Victims, ICC-01/04-02/06-2676-Conf-AnxA (a corrigendum was filed on 14 June 2021 and a public redacted version of the cover filing and annex were filed on 15 June 2021, [ICC-01/04-02/06-2676-Red](#) and [ICC-01/04-02/06-2676-AnxA-Corr-Red](#)) (the ‘IDIP’).

⁴ Order for the submission of observations on the initial draft implementation plan with focus on priority victims, 10 June 2021, [ICC-01/04-02/06-2677](#); Email from the Chamber’s Legal Officer to the TFV, the parties, and the Registry, 24 June 2021, 17:43 hrs.

⁵ Observations of the Common Legal Representative of the Victims of the Attacks on the Trust Fund for Victims’ Draft Initial Implementation Plan, 23 June 2021, ICC-01/04-02/06-2680-Conf (a public redacted version was filed on 28 June 2021, [ICC-01/04-02/06-2680-Red](#)); Response of the Common Legal Representative of the Former Child Soldiers to the TFV Initial Draft Implementation Plan with focus on Priority Victims, 23 June 2021, [ICC-01/04-02/06-2681](#); Defence Observations on the TFV initial draft implementation plan, 23 June 2021, ICC-01/04-02/06-2682-Conf; Registry Observations on the Trust Fund for Victims’ Initial Draft Implementation Plan, 23 June 2021, [ICC-01/04-02/06-2683](#).

⁶ Observations on the responses and observations submitted on the Initial Draft Implementation Plan, 28 June 2021, ICC-01/04-02/06-2687-Conf (a public redacted version was filed on the same day [ICC-01/04-02/06-2687-Red](#)).

⁷ Decision on the TFV’s initial draft implementation plan with focus on priority victims, 23 July 2021, [ICC-01/04-02/06-2696](#) (‘Decision on the IDIP’).

4. On 23 September 2021, the TFV submitted its First Progress Report on the implementation of the IDIP ('Report'),⁸ in which it, *inter alia*, (i) provides information on the steps taken to secure the implementation of the IDIP; (ii) submits an updated proposal for the administrative eligibility assessment and urgency screening of the participating victims; (iii) describes the planned outreach activities during the first stage of implementation of the IDIP; and (iv) details the funds the TFV has so far decided to commit to complement the reparations awards in the *Ntaganda* case.

5. On 4 October 2021, the Defence submitted its observations on the IDIP First Report,⁹ *inter alia*, requesting the Chamber to defer the approval of the TFV proposal on the eligibility assessment and urgency screening, arguing that it does not contain enough information as to how it would be conducted in practice and on the role of the parties and the Chamber.

II. ANALYSIS

a) Implementation of the IDIP

6. Regarding the IDIP's implementation, the TFV informs the Chamber that it has met with the implementing partners of the two selected projects and has agreed with them on the budget and activities to be carried out under the IDIP.¹⁰ Following a request for further information it received from the Legal Representatives of Victims ('LRVs'),¹¹ the TFV provides further details as to the proposed activities, number of beneficiaries, steps to be taken, timeline, and costs of each of the projects.¹²

7. The Defence welcomes the provision of further details as to the implementation of the IDIP,¹³ but submits that additional information should be provided regarding (i) the projected expansion of the projects *ratione loci*, in light of the current security situation in Ituri;¹⁴ and (ii) the proposed timeline for the implementation of the projects, bearing in mind the need for a swift transition once the DIP becomes operational.¹⁵

⁸ Trust Fund first progress report on the implementation of the Initial Draft Implementation Plan and Notification of Board of Director's decision pursuant to regulation 56 of the Regulations of the Trust Fund, 23 September 2021, ICC-01/04-02/06-2710-Conf (a public redacted version was filed on 7 October 2021, [ICC-01/04-02/06-2710-Red](#)) ('IDIP First Report').

⁹ Defence observations on the TFV First Progress Report on the implementation of the Initial Draft Implementation Plan, 4 October 2021, ICC-01/04-02/06-2714-Conf ('Defence Observations').

¹⁰ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 11-15.

¹¹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 15.

¹² IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 16-38.

¹³ Defence Observations, ICC-01/04-02/06-2714-Conf, para. 20.

¹⁴ Defence Observations, ICC-01/04-02/06-2714-Conf, paras 22-23.

¹⁵ Defence Observations, ICC-01/04-02/06-2714-Conf, paras 24-26.

8. Having assessed the information provided by the TFV and the Defence's observations and requests for further clarifications, in light of its previous rulings, the Chamber indicates below the issues for which further clarification should be provided by the TFV in its next report.

i. Victims eligible for each of the projects

9. When approving the use of two assistance projects for the purposes of the IDIP, the Chamber specified that the IDIP is 'an emergency response for victims who have waited for almost 20 years and so far have received no relief or assistance for the harm they suffered'.¹⁶ Within that context, the Chamber instructed the TFV to 'make the necessary arrangements' 'until the reparations programmes they will benefit from are fully operational'¹⁷ for (i) the priority victims of the crimes against child soldiers in need of urgent assistance to benefit from the project currently being implemented by [REDACTED]; and (ii) the priority victims of the attacks in need of urgent assistance to benefit from the project currently being implemented by [REDACTED].¹⁸

10. While the TFV in its Report provides significant clarifications and details on the two projects, the Chamber considers that some aspects need to be clarified, namely:

- (i) The TFV refers to the [REDACTED] project, as addressing 'Sexual and gender-based violence ('SGBV') victims and children born out of rape'.¹⁹ However, as noted above, this project is not expected to 'focus solely' on these victims.²⁰ As stated in the Decision on the IDIP, this project is to be used for the benefit of *all priority victims of crimes against child soldiers in need of urgent assistance*,²¹ including but not limited to former child soldiers who are SGBV victims and their children born out of rape and sexual slavery. Accordingly, as previously ordered by the Chamber, the TFV should make all necessary arrangements for other former child soldiers in need of urgent assistance, who are not SGBV victims or children born out of rape or sexual slavery, to also benefit from this project when in urgent need of assistance;
- (ii) The TFV indicates that the [REDACTED] project is designed to benefit '100 SGBV former Child soldiers victims [...] and up to 150 dependants including children born out of rape'.²² As found in the Reparations Order, children born out of rape and sexual slavery are direct victims

¹⁶ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 24.

¹⁷ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 26.

¹⁸ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 28.

¹⁹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), p. 6 (between paras 15 and 16).

²⁰ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 16.

²¹ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 28.

²² IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 22.

of the crimes for which Mr Ntaganda was convicted.²³ Accordingly, the Chamber underlines that they should not be referred to or treated as ‘dependants’, as the Report seems to suggest,²⁴ and

(iii) The Chamber stresses that the [REDACTED] project should benefit all priority victims of the attacks in need of urgent assistance, including SGBV victims – who are not former child soldiers – and their children born out of rape and sexual slavery.

ii. Measures to address the most urgent needs of vulnerable priority victims

11. In the Reparations Order, the Chamber held that the IDIP should focus ‘*exclusively* on the options for *addressing the most urgent needs* of victims that require priority treatment’.²⁵ As specified in the Decision on the IDIP, ‘urgent needs are those for which the victims need to receive *immediate* physical and/or psychological medical care, and/or *support due to financial hardship that endangers the person’s life*’.²⁶ In effect, ‘the IDIP’s purpose is not to initiate the implementation of reparations for all priority victims, but to take the necessary measures to address, in the interim, the most urgent needs of vulnerable victims that require priority treatment.’²⁷ Within that context, the Chamber instructed the TFV to supplement the two assistance projects ‘as necessary in order to meaningfully address the most urgent needs of priority victims.’²⁸ In addition, the Chamber ordered the TFV that, in case the urgent needs of some victims could not be properly addressed within the scope of work of the selected assistance projects, it ‘should consider implementing directly urgent measures itself’.²⁹

12. The Chamber notes that regarding economic assistance, the TFV indicates that the projects will offer several opportunities to the victims, including, *inter alia*, literacy and school recovery courses, individual assistance in IGAs, vocational training, modules on collective entrepreneurship, and microfinancing.³⁰ Accordingly, the Chamber instructs the TFV to clarify (i) the extent to which the measures of socio-economic assistance described above are suitable to meaningfully address the urgent needs of victims to receive immediate support due to financial hardship that endangers the person’s life; (ii) whether additional measures are

²³ Reparations Order, [ICC-01/04-02/06-2659](#), para. 122.

²⁴ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 22.

²⁵ Reparations Order, [ICC-01/04-02/06-2659](#), para. 252 [emphasis added].

²⁶ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 7 [emphasis added].

²⁷ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 9.

²⁸ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 27.

²⁹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 14.

³⁰ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 20, 34.

considered to supplement them; and (iii) if additional measures are indeed considered, to specify their nature and scope.

iii. Number of victims to be initially enrolled and costs of the IDIP projects

13. The Chamber notes that there is a discrepancy in the number of victims expected to benefit from the [REDACTED] project. In effect, the TFV initially indicates that the project to the benefit of victims of crimes against child soldiers is designed to benefit 100 SGVB victims *and* up to 150 dependants.³¹ However, later in the Report the TFV refers only to 100 victims.³² The Chamber therefore instructs the TFV to clarify whether 250 direct and indirect victims will benefit from all services to be provided under the [REDACTED] project or whether the program distinguishes the services that are to be provided to direct victims from those that should benefit their dependants or other indirect victims. In case any distinction is made within the project, the TFV should specify the extent of the different services to be provided and indicate who specifically is to be considered a dependant of a direct victim in need of urgent assistance for the purposes of this project.

14. The Chamber notes that the costs of the projects in relation to the number of victims to be initially enrolled is not clearly justified. In effect, the TFV indicates that the current anticipated costs for the IDIP reparations measures pertaining to each of the projects amounts to USD 150,000.³³ As noted above, according to the information provided in the Report, the project to benefit priority victims of crimes against child soldiers in need of urgent assistance appears to initially include up to 250 direct and indirect victims, i.e. 100 former child soldiers and up to 150 dependants.³⁴ However, the project to benefit priority victims of the attacks in need of urgent assistance is expected to initially include only 60 victims.³⁵ The Chamber further notes that a substantive difference in the type of services to be provided under each project cannot be discerned from analysing the details provided by the TFV in its Report.³⁶ In light of the above, the Chamber instructs the TFV to provide further details as to the cost differences between each of the projects in relation to the number of victims to benefit therein.

³¹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 22 [emphasis added].

³² IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 28.

³³ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 28, 38.

³⁴ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 22.

³⁵ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 35.

³⁶ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 18-21, 31-34.

b) New proposal for administrative eligibility assessment of victims and urgency screening of victims to benefit from the IDIP

15. As instructed by the Chamber,³⁷ the TFV presents in its Report an alternative proposal for the administrative eligibility assessment and urgency screening. In accordance with the Chamber's suggestion for a phased and flexible approach,³⁸ the proposal focuses on the priority victims who participated in the trial, that were preliminarily assessed by the VPRS as entitled to reparations, and were identified by the LRVs as in urgent need.³⁹ The Report provides information on the procedure to be followed by the TFV's Secretariat in order to make a determination on the eligibility and urgency screening of victims, which is proposed to be done based on information provided by the VPRS and the LRVs.⁴⁰

16. The Defence avers that the TFV does not provide sufficient information as to the way it expects to conduct the eligibility assessment and the urgency screening in practice.⁴¹ In particular, what documentation will be required from the victims and how it would be assessed.⁴² In addition, the Defence disagrees with the role of the parties and the Chamber as envisaged by the TFV, arguing that – unlike the LRVs – the Defence and the Chamber have been completely excluded from the process.⁴³ The Defence also takes issue with the involvement of the implementing partners in the collection of additional information from the victims.⁴⁴ The Chamber addresses below the issues raised by the Defence.

i. Role of the Chamber, parties, and implementing partners in the administrative eligibility assessment and urgency screening

17. In exercise of its discretion, the Chamber has delegated the identification of victims and the assessment of their eligibility into the TFV.⁴⁵ Therefore, consistent with the statutory framework,⁴⁶ and taking into account that only collective reparations were granted in the case,

³⁷ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 38.

³⁸ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 29.

³⁹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 40, 44.

⁴⁰ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 42-48.

⁴¹ Defence Observations, ICC-01/04-02/06-2714-Conf, para. 28.

⁴² Defence Observations, ICC-01/04-02/06-2714-Conf, paras 32-33.

⁴³ Defence Observations, ICC-01/04-02/06-2714-Conf, paras 34-35, 38-42.

⁴⁴ Defence Observations, ICC-01/04-02/06-2714-Conf, para. 36.

⁴⁵ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 35, referring to the Reparations Order, [ICC-01/04-02/06-2659](#), paras 105, 140, 253. For the trial chamber's discretion to delegate on a case-by-case basis the administrative screening of beneficiaries, even in relation to individual reparations – see Appeals Chamber, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, Judgment on the appeal of the victims against the "Reparations Order" (*Al Mahdi Judgment on Reparations Order*), 8 March 2018, [ICC-01/12-01/15-259-Red2](#), paras 1, 72.

⁴⁶ For a similar approach, see Appeals Chamber, *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against Trial Chamber II's 'Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable', 18 July 2019, [ICC-01/04-01/06-3466-Red](#), para. 138, indicating that 'article 75(1) of the Statute, rules

the Chamber does not consider it necessary to play a role in the administrative eligibility assessment and urgency screening that would go beyond overseeing the design of the process as a whole and receiving progress reports and statistical information as to the victims' eligibility assessments.⁴⁷

18. As to the role of the LRVs in the process, the Chamber is satisfied with the TFV's indication that the information provided by the LRVs will not to be seen 'in any way as a screening or assessment of their urgent needs'.⁴⁸ In line with the instruction for the TFV to rely on the LRVs full cooperation,⁴⁹ taking into account the limited number of victims that can receive immediate assistance, the Chamber considers it reasonable for the TFV to focus first on the victims already identified by the LRVs as in urgent need. Nevertheless, as noted by the TFV, it is the TFV's Secretariat, as a 'neutral body with the possibility to directly access the victims and gather additional information',⁵⁰ the organ that shall conduct the relevant assessments and make the final determinations as to the victims' eligibility and urgent needs.⁵¹

19. As to the role of the Defence in the process, the Chamber is of the view that it would have been preferable for the TFV to have involved the Defence in the discussions on the eligibility assessment process for all *Ntaganda* victims, particularly if the LRVs were also invited to participate.⁵² Notwithstanding, the Chamber is satisfied that the rights of the defence are still guaranteed as it has been and will continue to be able to make submissions before the Chamber until the proposed administrative eligibility assessment is approved. Nevertheless, the Chamber considers it appropriate that, before it is submitted for the Chamber's approval,

94-98 of the Rules [...] and the Regulations of the TFV – do not stipulate who should assess eligibility in cases where collective reparations are awarded nor how exactly this should be done', *see also* paras 163-171, on the need to subject applications for collective reparations to both administrative screening and judicial review, only as a result of the Trial Chamber's approach to the case and the need to ensure equal treatment for potential victims and avoid discrimination; *Al Mahdi* Judgment on Reparations Order, 8 March 2018, [ICC-01/12-01/15-259-Red2](#), paras 1, 60, 62, on the discretion of a trial chamber to request, on a case-by-case basis, the assistance of the TFV to undertake the administrative screening of beneficiaries of individual reparations meeting the eligibility criteria set out by the trial chamber, *see also* paras 2, 69, on the oversight of the Trial Chamber exercising judicial control over the screening process, which shall include that the Trial Chamber finally endorse the results of the screening, with the possibility of amending the conclusions of the TFV on the eligibility of applicants for individual reparations.

⁴⁷ Consistent with its prior rulings, *see*, Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 40, noting that after the approval of the DIP the Chamber envisions its role to be minimal, solely retaining oversight over the implementation process.

⁴⁸ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 45.

⁴⁹ Reparations Order, [ICC-01/04-02/06-2659](#), para. 251; *see also* First Decision on Reparations Process, 26 June 2020, [ICC-01/04-02/06-2547](#), para. 25.

⁵⁰ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 45.

⁵¹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 47-48.

⁵² IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 41.

the TFV should give the Defence an opportunity to comment on the eligibility assessment process of all *Ntaganda* victims.⁵³

20. The Chamber however notes that, although it is appropriate to provide the Defence with an opportunity to contribute to the design of the administrative eligibility assessment, the Defence's rights at this stage of the proceedings are limited.⁵⁴ In effect, taking into account that the results of the screening process have no impact on the determination of Mr Ntaganda's monetary liability, the Defence shall not be granted an opportunity to review the TFV's individual assessment of the eligibility of victims, as requested by the Defence.⁵⁵

21. Lastly, regarding the role of the implementing partners, the Chamber is satisfied that the TFV has complied with the Chamber's instructions not to delegate parts of the assessment of victims to them.⁵⁶ In practice, the role currently assigned to the implementing partners in the eligibility assessment and urgency screening is limited to supporting the TFV in gathering the relevant information, but the final determination remains within the TFV's Secretariat.⁵⁷

ii. Role of the Registry in the administrative eligibility assessment and urgency screening of priority victims

22. The Chamber reiterates that the eligibility assessment of victims has to be 'fair, efficient, and expeditious',⁵⁸ while 'harmonised, centralised, and similar for all the victims, to avoid a potential different treatment of the victims of the case and inconsistencies of approach'.⁵⁹ The Chamber has consistently highlighted 'the importance of using all existing resources and expertise available at the Court for the benefit of the victims' and has instructed the TFV to 'consider whether the administrative eligibility assessment and urgency screening could be carried out by the Registry in whole or in part'.⁶⁰

23. Against this background, the Chamber welcomes the TFV commitment to make full use of the Registry's expertise and experience by relying on the preliminary assessment conducted by the VPRS regarding the participating victims in the case that are potentially eligible for reparations.⁶¹ In order to ensure harmonisation and consistency and to speed up,

⁵³ As envisaged for the LRVs and Registry, see IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 41.

⁵⁴ *Al Mahdi*, Judgment on Reparations Order, [ICC-01/12-01/15-259-Red2](#), para. 93.

⁵⁵ Defence Observations, ICC-01/04-02/06-2714-Conf, para. 43.

⁵⁶ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 36.

⁵⁷ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 48.

⁵⁸ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 35, referring to the Reparations Order, [ICC-01/04-02/06-2659](#), para. 253.

⁵⁹ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 37.

⁶⁰ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 38.

⁶¹ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 44, 48(a).

streamline, and optimise the process as a whole, the second group of victims to be enrolled in the programmes, i.e., victims identified so far – because they have submitted applications forms or were registered as new potential beneficiaries – but who did not participate in the trial proceedings,⁶² could already be preliminarily assessed by the VPRS. Accordingly, the Chamber encourages the TFV to start coordinating with the VPRS for it to commence as soon as practicable with the preliminary assessment of eligibility for reparations of those victims and, potentially, their preliminary urgency screening.

iii. Substantive details of the administrative eligibility assessment and urgency screening

24. As to the Defence's submission that the TFV should have provided more details as to how, in practice, the administrative eligibility assessment and urgency screening will be conducted, particularly regarding the supporting documents that will be required to satisfy the required standard of proof, the Chamber notes that extensive guidance is provided in the Reparations Order.⁶³ Nevertheless, the TFV is encouraged to include additional information as to the way it will conduct the eligibility assessment and urgency screening in its future reports to the Chamber.

c) Outreach

25. Following the Chamber's instructions,⁶⁴ the TFV informs the Chamber of the planned details of the outreach campaign for the first stage of implementation of the IDIP in relation to participating victims, which has organised in cooperation with the Registry.⁶⁵ The Defence submits that more details about the costs of the planned outreach activities should be provided.⁶⁶ In line with the Chamber's order for direct and indirect costs to be specified,⁶⁷ the Chamber instructs the TFV to include any relevant information about potential costs of outreach activities in its future reports.

⁶² Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 29.

⁶³ Reparations Order, [ICC-01/04-02/06-2659](#), paras 136-147.

⁶⁴ Decision on the IDIP, [ICC-01/04-02/06-2696](#), para. 44.

⁶⁵ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), paras 55-60.

⁶⁶ Defence Observations, ICC-01/04-02/06-2714-Conf, para. 27.

⁶⁷ Reparations Order, [ICC-01/04-02/06-2659](#), para. 249.

d) Notification of TFV's Board of Directors decision to allocate funds to the *Ntaganda* reparations programme

26. The Chamber notes the TFV's information on the Board of Directors decision to make a first allocation of EUR 1.5 million towards the *Ntaganda* reparations programme and on the additional voluntary contribution of EUR 189,031 from the Australian government to specifically address the harm suffered by SGBV victims.⁶⁸

27. The Chamber welcomes and appreciates the decision of the Board of Directors to allocate funds to the reparations in the case, as well as the additional voluntary donations from the Australian government, and the TFV's fundraising efforts to date.

e) Confidentiality

28. In order to give full effect to the principle of publicity of the reparations proceedings,⁶⁹ the Chamber hereby orders the Defence to review the underlying submissions to this Decision⁷⁰ and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification as confidential, within five days of notification of the present Decision.

29. For future filings, the parties, the Registry, and the TFV are directed to file their documents publicly, to the extent possible, or file public redacted versions of confidential documents as expeditiously as possible, preferably simultaneously.

⁶⁸ IDIP First Report, [ICC-01/04-02/06-2710-Red](#), para. 62.

⁶⁹ Reparations Order, [ICC-01/04-02/06-2659](#), para. 103.

⁷⁰ Defence Observations on the TFV initial draft implementation plan, ICC-01/04-02/06-2682-Conf; and Defence Observations, ICC-01/04-02/06-2714-Conf.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,

INSTRUCTS the TFV to clarify the issues relevant to the implementation of the IDIP as detailed to in paragraphs 10, 12, 13, and 14 above in its next report to the Chamber;

APPROVES the alternative proposal for administrative eligibility assessment and urgency screening of participating victims, as submitted in the Report;

ENCOURGAES the TFV to provide additional details as to the way it will conduct the eligibility assessment and urgency screening and the potential costs of the planned outreach activities in its future reports to the Chamber; and

ORDERS the Defence to review the underlying filings to this Decision and either file public redacted versions, request the reclassification as public, or justify the need to maintain the current classification as confidential, within five days of notification of the present Decision.

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



Judge Chang-ho Chung, Presiding Judge



Judge Péter Kovács



Judge María del Socorro Flores Liera

Dated this Thursday, 28 October 2021

At The Hague, The Netherlands