



Original: **English**

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

Date of original: **25 November 2022**

Date of redacted version: **28 November 2022**

TRIAL CHAMBER II

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

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

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public Redacted Version

Nineteenth 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

With Confidential *ex parte* Annex A only available to the LRV01 and the Trust Fund for Victims and Confidential *ex parte* Annexe B only available to the LRV02, and the Trust Fund for Victims

Source: The Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**Legal Representatives of Victims V01**

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**Victims Participation and Reparations
Section**

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I. BACKGROUND

1. Following Trial Chamber II's ("Trial Chamber") decisions of 21 October 2016, 6 April 2017 and 7 February 2019, approving, respectively, the programmatic framework for collective symbolic reparations as submitted by the Trust Fund for Victims ("Trust Fund"),¹ the programmatic framework for the service-based collective reparations as submitted by the Trust Fund,² and the Trust Fund's proposal in relation to the process for locating new applicants and determining their eligibility,³ and recalling its previous progress reports in this regard, the Trust Fund hereby submits its eighteenth progress report.

II. CLASSIFICATION OF THE PRESENT SUBMISSION

2. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified the report as confidential, and its annexes as confidential *ex parte*, as they contain very detailed information related to operational aspects of the on-going implementation of reparations and sensitive information related to victims.

III. RELEVANT PROCEDURAL HISTORY

3. The Trust Fund recalls the procedural history set out in the Eighteenth progress report on the implementation of collective reparations ("Eighteenth progress report") submitted on 4 August 2022.⁴

4. On 10 August 2022, the Legal Representatives V01 ("LRV01 or V01") requested an extension of time to submit their observations on the Eighteenth progress report.⁵

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 Eighteenth 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 ("Eighteenth progress report"), With Confidential *ex parte* Annex A only available to the LRV01, the Trust Fund for Victims and the VPRS and Confidential *ex parte* Annexes B only available to the LRV01, the LRV02, the OPCV and the Trust Fund for Victims, 4 August 2022, [ICC-01/04-01/06-3537-Red](#).

⁵ *Demande des Représentants légaux des victimes V01 de modifier le délai du dépôt d'observations du dix-huitième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 août 2022*, 10 August 2022, [ICC-01/04-01/06-3538-Red](#).

5. On 11 August 2022, the Trial Chamber granted the request.⁶

6. On 2 September 2022, the LRV01,⁷ the Legal Representatives V02 (“LRV02 or V02”),⁸ and the Office of Public Counsel for Victims (“OPCV”)⁹ submitted their respective responses to the Eighteenth progress report.

7. On 3 October 2022, the Trust Fund notified 832 administrative decisions from the Trust Fund for Victim’s Board of Directors¹⁰, pursuant to Trial Chamber II’s “Ninth Decision on the TFV’s administrative decisions on applications for reparations and additional matters”.¹¹

8. On 31 October 2022, the Trial Chamber issued the “Tenth Decision on the TFV’s administrative decisions on applications for reparations and additional matters” (“Tenth Decision”).¹²

9. On 2 November 2022, the Trust Fund requested,¹³ and was granted its request,¹⁴ to file its Nineteenth progress report latest by 25 November 2022.

IV. PROGRESS REPORT

10. The Trust Fund hereby submits its Nineteenth progress report, with information on the implementation of the collective reparations awards. It provides updated information regarding the security (A) and public health (B) situations, the administrative decisions (C), collective service based reparations (D), collective symbolic reparations (E), and additional matters (F).

⁶ Email from Trial Chamber II to LRVs and the TFV on 11 August 2022, at 16.05.

⁷ *Réponse des Représentants légaux des victimes V01 au Dix-huitième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 août 2022*, 15 September 2022, [ICC-01/04-01/06-3541-Conf-Corr](#).

⁸ *Réponse des Représentants légaux des victimes du groupe V02 au Dix-huitième Rapport sur le progrès de la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 août 2022* (ICC-01/04-01/06-3537-Conf avec annexes), 21 September 2022, [ICC-01/04-01/06-3540-Corr](#).

⁹ *Réponse du BPCV au Dix-huitième Rapport de progrès sur la mise en œuvre des réparations collectives déposé par le Fonds au profit des victimes le 4 août 2022* (ICC-01/04-01/06-3539-Conf), 13 September 2022, [ICC-01/04-01/06-3539-Conf-Corr](#).

¹⁰ Notification of 832 administrative decisions from the Trust Fund for Victim’s Board of Directors pursuant to Trial Chamber II’s “Ninth Decision on the TFV’s administrative decisions on applications for reparations and additional matters”, 17 June 2022, 3 October 2022, [ICC-01/04-01/06-3542](#).

¹¹ Ninth Decision on the TFV’s administrative decisions on applications for reparations and additional matters, 22 September 2022, [ICC-01/04-01/06-3536-Red](#).

¹² Tenth Decision on the TFV’s administrative decisions on applications for reparations and additional matters, 31 October 2022, [ICC-01/04-01/06-3543-Conf](#).

¹³ Email from the TFV to Trial Chamber II and the LRVs on 02 November 2022, at 10.57.

¹⁴ Email from Trial Chamber II to LRVs, the Defence and the TFV on 03 November 2022, at 12.27.

11. In its Tenth Decision, the Trial Chamber directed the Trust Fund to provide information, assurances and clarifications in relation to issues addressed under the abovementioned parts of the report as necessary.

A. Security Situation

12. Based on the Court's security assessment shared with the Trust Fund, the security situation in Ituri remains volatile and unpredictable. On 17 October 2022, the DRC Government authorised the extension of the state of siege in the provinces of Ituri and North-Kivu. Armed groups continue to carry out deadly attacks against the Armed Forces of the DRC ("FARDC") and the civilian population. They are also engaged in fierce battles with each other, including over control of the mining areas around Mongbwalu, amongst others. Their attacks against the civilian population continue to take place on a regular basis. Sources have reported that forty persons including seventeen children have been killed and more than four hundred houses have been put on fire during an attack on 9 September 2022 attributed to the *Coopérative pour le développement du Congo* (CODECO) in the village of Mbidjo, Djugu, Ituri.¹⁵ More recently, sources have also reported another attack on 8 October 2022 attributed to Allied Democratic Forces ("ADF") rebels which resulted in fourteen civilians being killed.¹⁶

13. In North Kivu province, the last weeks were marked by the serious progress made by the *Mouvement du 23 mars* ("M23") movement, who have managed to tighten their presence in several territories, cutting Goma off from a major part of the province. Battles have reached close to Goma, leading to high numbers of casualties and making the population of Goma, as well as the displaced population, very anxious.

B. Public Health Situation

14. The COVID-19 situation is not thoroughly monitored throughout the country. Testing is not systematic, so the available statistics are not very reliable. The Country Office does not report any significant resurgence of new cases. On 14 February 2022, the Government of the DRC has relaxed measures concerning COVID-19 in terms of the previously established curfew. Travellers

¹⁵ "Ituri : 40 personnes tuées et 400 maisons incendiées lors d'une attaque de la CODECO au village de Mbidjo", *Radio Okapi*, MONUSCO, accessible at <<https://www.radiookapi.net/2022/09/12/actualite/securite/ituri-40-personnes-tuees-et-400-maisons-incendiees-lors-dune-attaque>>

¹⁶ "DRC: 14 civilians killed in attack attributed to ADF rebels", *Africa News*, accessible at <<https://www.africanews.com/2022/10/03/drc-14-civilians-killed-in-attack-attributed-to-adf-rebels/>>

from outside of the DRC are no longer required to get tested before entering the territory, provided they are fully vaccinated. Although there are no new preventive measures taken by the Congolese Government, other measures previously established by the Government, the UN and the Registry's Occupational Health Unit are still in force and are respected by the TFV during all implementation activities.

C. Admissibility Decisions

15. The Trust Fund hereby provides as annexes to this submission 11 negative decisions rendered by the Board of Directors. Three applicants¹⁷ initially considered not eligible are now considered eligible, as additional supporting documents provided to the Trust Fund shortly before notification to the Trial Chamber had not been considered. Such information was nevertheless transmitted to the Trial Chamber already by VPRS. One more applicant was considered as a beneficiary¹⁸ considering that their statement was corroborated by a narrative found in another beneficiary's application.¹⁹

16. Out of the eight provisionally approved applications, the LRV01 has provided the missing information for three of their clients.²⁰ For the remaining five applications, the Trust Fund is still waiting for a submission of the relevant information by the LRV02.

D. Update on Implementation of Collective Service-Based Reparations

1) Progress on the targets of the quarter

a) Activities carried out during the period

17. During the previous reporting period, the Trust Fund reported having transmitted a list of 1042 beneficiaries to [REDACTED] for intake with the support of the LRVs. Out of these 1042 beneficiaries, 555 were then benefitting from services while 278 beneficiaries represented by the LRV01 were to be contacted together with a list of 140 unreachable beneficiaries provided by the OPCV. The implementing partner was not provided with updated contact for 69 other beneficiaries.

18. During the current reporting period, the OPCV provided to the Trust Fund updated information for a list of 134 unreachable beneficiaries while asking for an update on their status.

¹⁷ a/30084/20, a/30094/20, and a/30094/20.

¹⁸ a/40876/21.

¹⁹ a/0246/06.

²⁰ a/41007/21, a/41347/21, and a/41363/21.

The Trust Fund is to provide such an update shortly to the OPCV. The LRV01 provided the Trust Fund with a list of 165 additional beneficiaries, which was also submitted to [REDACTED]. The intake process for these victims should be done during the upcoming reporting period. The Trust Fund expects to report on the services they will receive in its next report. This brings the total number of beneficiaries whose details have been transmitted to [REDACTED] for intake at 1207.

19. To date, a total of 797 beneficiaries are currently benefitting from the collective service-based reparations.

i. Mental health

20. 760 victims benefited from at least one psychosocial service, ranging from screening to psychosocial and psychological care. 526 victims, including 426 men and 100 women, benefited from psychosocial activities, including group therapy and psychosocial listening sessions, and 623 victims, including 486 men and 137 women, benefited from psychological and psychosomatic care. Since the revision of the psychological approach in the previous quarter, the ratios of psychosocial worker/beneficiaries and psychologist/beneficiaries have been reduced in order to reduce the workload of social workers and maximise the time for listening, counselling and other psychological care activities. The waiting time for beneficiaries to start screening and counselling was reduced and the quotas of beneficiaries per day were better planned to avoid long queues and to provide quality psychosocial and psychological services. A services schedule according to the number of beneficiaries to be supported was also developed with the support of the Trust Fund. In addition, following the Trust Fund's recommendations on the quality of psychologists and the amenities of the psychological care premises (accessibility, security, infrastructure), clinical psychologists were recruited this quarter by the implementing partner and its subcontractors to provide adequate psychological care and follow-up for victims. The subcontractor in charge of psychological support has also acquired new, more adequate, accessible and, above all, better secured premises, which offer more peace of mind to the beneficiaries. In order to ensure more comprehensive care for all beneficiaries, the psychological care provider, after revising the psychological approach, recalled many victims and repeated the diagnoses, devoting more time to listening to them in order to identify cases to be cared for that had not previously been detected.

ii. Physical health

21. Concerning physical health, 625 victims received at least one physical health service, including 359 victims in primary care (279 men and 80 women), 163 in secondary care (119 men and 44 women), and 23 in specialist care (20 men and 3 women). The approach to medical care was revised in the previous quarter, with partners and the Trust Fund during a workshop, followed by recommendations and sanctioned by the redefinition of the care circuit and the establishment of a schedule for the care and follow-up of beneficiaries. As in the case of mental health, quotas of beneficiaries per day were adopted in order to lighten the workload of health providers (doctors and nurses) and ensure a quality service, both in terms of reception and care, examinations and consultations.

iii. Socio-economic rehabilitation

22. With regard to socio-economic rehabilitation, the activities focused on education, training and income-generating activities.

i) Schooling

23. In terms of educational support in the current reporting period, 923 dependents (453 girls and 470 boys) of victims received educational support, compared to 796 in the previous reporting period, an increase of 123 dependents. For this current reporting period, an evaluation of the effectiveness of the schooling of declared dependents was carried out by the implementing partner and revealed that some beneficiaries, estimated at less than 10%, had not enrolled or continued the schooling of their dependents. To remedy this, the Trust Fund and the implementing partner intend to closely monitor the education of dependants, and to introduce two new indicators for year 2 of the project to monitor the evolution of children's education. These include an indicator on the actual attendance rate of dependants, and a second on the school success rate, which will be followed by incentive measures, including the awarding of prizes and distinctions to the best pupils.

ii) University support

24. The start of the 2022-2023 academic year is scheduled for December 2022 or January 2023 in the majority of DRC universities. At present, the second session for the passage to the next year is taking place in the various university institutions. After the final results, scheduled for the end of November, the implementing partner will update the lists of students to be taken in. The lists will then be sorted by university and payments of the first instalment of academic fees will start in December 2022, according to the payment schedule required by each university. All students (both

dependants and victims) concerned will be contacted for confirmation and a final check of their administrative documents (before the payment starts). The Trust Fund has even extended university support to students (victims and dependants) who wish to study outside Ituri, in other provinces of the DRC, with the same support modalities as students attending universities in Ituri. To date, 152 students, including 19 victims, have benefited from support for university fees [REDACTED] per dependant for the 2021/2022 academic year which is ongoing. The fact that the university fees are not paid to the beneficiaries or their direct dependents but directly to the university has resulted in some dissatisfaction on the part of certain beneficiaries. Indeed, as not all beneficiaries or their dependents wish to and are able to pursue university studies, they demand that this support be not only extended to all beneficiaries in the form of a lump sum, but also that it be paid directly to them by mobile money. However, given the high number of beneficiaries, university support cannot be extended to all beneficiaries, as this would considerably increase the project implementation budget. The Trust Fund and the implementing partner have therefore had several informal exchanges with beneficiaries, groups of beneficiaries and formal exchanges with legal representatives on this issue, to explain the modalities of academic support and to signal their firm position in this regard. Awareness-raising will continue in the last quarter of 2022, which marks the start of the academic year in the majority of universities in the DRC.

iii) Training

25. In the current reporting period, a total of 432 victims received long or short training, compared to 340 in the previous quarter, *i.e.* 92 more beneficiaries. 140 beneficiaries are still attending training. Depending on the preferences of the beneficiaries, the training is given in French, Swahili and Lingala. In the current reporting period, there was a slight improvement in the procedures for disbursing funds from the implementing partner for the payment of benefits to beneficiaries. A calendar with specific payment deadlines has been set up by the Trust Fund, in order to ensure close monitoring of the process.

iv) Setting up IGAs

26. 54 additional beneficiaries received funds for their installation, for a total of 292 compared to 238 in the previous quarter. Monitoring of IGAs by implementing partner staff started during this quarter and will continue in the upcoming report. The Trust Fund's partner has noted a certain hostility on the part of some beneficiaries with regard to the monitoring carried out by the field

agents. This can be explained on the one hand by the fact that these beneficiaries have not carried out IGAs with the funds received, and on the other hand because other beneficiaries believe that the only support they need is additional financial support and not technical support. However, this monitoring is generally well accepted by the beneficiaries and an awareness-raising campaign is underway to explain the importance of this monitoring, both for the sustainability of the IGAs and for the statistical data and learning from the project. The Trust Fund and the implementing partner are already reflecting on the sustainability of IGAs in the context of reparations.

iv. Unreachable victims

27. The project recorded 210 unreachable victims in the previous reporting period and 245 unreachable victims in the current reporting period after the admission of the 278 victims from the V01 group of legal representatives. On average, 20% of victims are periodically unreachable due to the insecurity in Ituri province, which causes victims to travel frequently and change their telephone numbers. An additional difficulty is the lack of telephone network coverage in some areas of Ituri province. In order to improve the tracking of victims, the implementing partner, on the Trust Fund's recommendation, will expand the remit of some of its staff (IGA monitoring agents) from current reporting period, who will have a more active role and assigned objectives in tracking the victims to be included in the reparations project. The Trust Fund hopes that this will help to reduce the number of unreachable victims, and ensure that all existing and available victims fully participate in the reparations process.

b) Comparison of current and previous reporting period's targets

INDICATORS	Q2	Q3	Gap	Q2	Q3	Gap	Q2	Q3	Gap	Q2	Q3	Gap
	OPCV			V01			V02			Together		
Number of victims referred by the TFV	404	404	0	323	601	+278	37	37	0	764	1042	278
Number of victims contacted by telephone by [REDACTED]	227	262	+35	293	501	+208	34	34	0	555	797	242
Number of victims who could not be reached	177	142	-35	30	100	+70	3	3	0	210	245	+35
Number of victims with initial diagnosis by [REDACTED] as part of psychological support	230	242	+12	241	485	+244	27	33	+6	498	760	+262
Number of victims diagnosed as part of physical support by [REDACTED]	207	224	+17	188	367	+179	26	34	+8	421	625	+204
Number of victims in training	13	9	-4	88	129	+41	1	2	+1	102	140	+38

Number of victims who completed basic training	186	194	+8	132	215	+83	22	23	+1	340	432	+92
Number of victims who received IGA cash	173	185	+12	44	86	+42	21	21	0	238	292	+54

28. A total of 797 beneficiaries have been reached so far in the current reporting period, of which 760 started the services. There was an overall increase of 278 beneficiaries in the current reporting period, from the V01 group. 244 new beneficiaries were reached by the implementing partner, including 202 from the 278 beneficiaries from V02 and 35 from the 177 beneficiaries not found from OPCV. 262 new beneficiaries received a psychological diagnosis, including 244 from the 278 beneficiaries of V01, 12 from OPCV and 6 from V02. As for medical diagnosis, 204 new beneficiaries benefited from it, including 179 from V01, 17 from OPCV and 8 from V02. Concerning qualifying training, 140 beneficiaries were attending training in the current reporting period compared to 102 in the previous quarter, *i.e.* 38 more beneficiaries, of which 41 were new beneficiaries from V01, 1 from V02, and 4 from OPCV who completed their training. As for basic training, 92 more beneficiaries completed it, including 83 from V01, 8 from OPCV and 1 from V02. Finally, 54 more beneficiaries benefited from IGAs, including 42 from V01, and 12 from OPCV.

c) Comparison of current and previous quarter's targets

29. For the current reporting period, 1000 beneficiaries were expected, including a forecast of 800 beneficiaries to receive services against 797 actually taken care of, *i.e.* a gap of 3 beneficiaries. 10 more victims than expected received mental health diagnoses and 25 more physical health diagnoses. The number of victims who completed basic training also increased by 32 compared to the forecast. As regards IGAs, 8 fewer victims benefited during the current reporting period.

INDICATORS	Achieved Q3	Target Q3	Gap
Number of victims referred by the TFW	1042	1000	+42
Number of victims contacted by telephone by [REDACTED]	797	800	-3
Number of victims who could not be reached	245	200	+42
Number of victims with initial diagnosis by [REDACTED] as part of psychological support	760	750	+10
Number of victims diagnosed as part of physical support by [REDACTED]	625	600	+25
Number of victims in training	140	200	-60
Number of victims who completed basic training	432	400	+32
Number of victims who received IGA cash	292	300	-8

d) Challenges

30. For the current reporting period, 1000 beneficiaries were expected, including a forecast of 800 beneficiaries to be taken care of against 797 actually taken care of, *i.e.* a gap of 3 beneficiaries. 10 more victims than expected received mental health diagnoses and 25 more physical health diagnoses. The number of victims who completed basic training also increased by 32 compared to the forecast. As regards IGAs, 8 fewer victims benefited from it during the current reporting period.

i. Challenges related to communication and satisfaction of beneficiaries

31. The satisfaction of beneficiaries is very important to the TFV, as the purpose of the project is to provide a sense of reparative justice to victims, beyond changes in their living conditions. It is inevitable that not all expectations can be met, so the Trust Fund, with the help of the legal representatives, have engaged in various activities separately or jointly to raise awareness. The TFV and legal representatives jointly designed a document on the services package, explaining the content of the programme and modalities available to victims. The purpose of this document is to provide a comprehensive overview of the programme so that the legal representatives and implementing partner can ensure that victims are adequately informed of the services available as part of the programme, and of the confines of the programme in terms of available modalities and resources.

32. This document was reviewed, and changes were made to enter into effect from the next reporting period. These changes include incorporating timeframes for each service, revising information on some of the services whose content is unclear to victims, and translating the document into Swahili, Alur, and Lingala. It will be shared next week with the LRVs and an orientation meeting will be organised accordingly. To complement this document, the TFV has also developed a service calendar for newly admitted victims, which specifies the periods and deadlines for each stage of the implementation, along with a brief report from the partner on the victims who benefited from services in the period. This tool will facilitate the follow-up of the TFV and the legal representatives, and will allow victims to better plan their own services and know the next steps.

33. Finally, the Trust Fund recommended that the implementing partner develop an information and permanent communication mechanism with the beneficiaries in order to inform

them regularly about the modalities and the deadlines for intake. For this reporting period, this mechanism in pilot phase worked well concerning the granting of school fees to the victims' dependents, and will be applied more widely in the next reporting period.

34. In addition to these mechanisms, the TFV strives to emphasise the availability of the complaint mechanism to ensure that complaints are appropriately addressed; consequently, the mechanism is increasingly used by victims who were reluctant to use it when it was created. In addition, access to the mechanism is guaranteed and the telephone numbers are open and available. It should be noted that recurrent network problems sometimes compromise the effectiveness of the mechanism, and in order to address this problem, the complaint contacts have been registered on WhatsApp, so that beneficiaries can make their complaints directly via audio or text messages on WhatsApp in the language of their choice. As a result of the improvements in the mechanism, and its accessibility to victims, and to ensure the continuation of efficient and appropriate responses to recorded complaints, it is planned in the next reporting period to have a dedicated complaints management person who will also be in charge of incident management and communication. The main task of this person will be to ensure beneficiary satisfaction, and that all complaints have been taken into account by the implementing partner. The implementing partner's programme team at the national level as well as the TFV will receive the complaints log on a monthly basis and will monitor in real time complaints resolutions and the different trends for corrective action. Frequently asked questions from the complaint mechanism will be compiled, developed and utilised to enrich the understanding of former and new beneficiaries on the details of the services provided. The Trust Fund has shared with the LRVs a detailed list of complaints lodged by the beneficiaries during the reporting period.

ii. Organisational challenges

35. The Trust Fund regularly monitors implementation and compliance with deadlines by the implementing partner. The Trust Fund has focused on reducing delays in implementation of services, having identified this as a common complaint lodged.

iii. Challenges related to the implementation of the project

36. The first category of challenges concerns the substance of the service package, which is a constant concern of beneficiaries. Indeed, beneficiaries would like to see an increase in the IGA, school and university support envelopes, including the extension of university support services to

all beneficiaries and the payment of this financial support via mobile money. The Trust Fund believes that it would be difficult at this stage to respond favourably to these demands, which would result in an exponential increase in the project budget. As a result, the Trust Fund continues to sensitise beneficiaries on the acceptance of the support modalities, and its inability to go beyond them.

37. The second category of service challenges relates to the content of services, particularly the quality of services.

38. With regard to physical health, some beneficiaries question the relevance of the care provided to them by health providers, even though they are approved by the Congolese state, as they want to use traditional medicine or traditional healers, a common practice in the east of the DRC. No provision has been made for this in the project, and only the use of modern medicine is allowed. Furthermore, some beneficiaries feel that they are disadvantaged in relation to other beneficiaries in terms of health services. They claim that some beneficiaries with the same pathologies are treated in Ituri province, while others are transferred to other provinces such as Goma for more appropriate care. In response to these concerns, the Trust Fund and the implementing partner are sensitising beneficiaries on the impartial treatment of beneficiaries in the provision of services.

39. Regarding mental health, psychological care is provided in a context of ongoing insecurity and conflict, so that there are some cases of relapse linked to the security environment. As the only preventive measure for the time being, the implementing partner urges victims to leave insecure areas, and, as a corrective measure, proceeds in such cases with the treatment of relapse cases.

2) Planning targets and activities for next quarter

40. In the upcoming reporting period, the implementing partner intends to follow up on beneficiaries who have not yet started the process and beneficiaries who have received physical and mental health services or diagnoses. The search for unreachable victims will also continue in order to enable many more beneficiaries to access the services. In December, it is also planned to admit 165 new beneficiaries from the V01 group. In total, it is expected that for the upcoming reporting period and thus for the year 2022, about 1207 beneficiaries will be expected to be taken in, of which an average of 979 beneficiaries will already receive at least one service. More than

600 beneficiaries will complete the basic training, of which at least 500 will benefit from IGAs, as shown in the table below:

INDICATORS	Q3	Q4	Gap	Q3	Q4	Gap	Q3	Q4	Gap	Q3	Q4	Gap
	OPCV			V01			V02			Together		
Number of victims referred by the TFV	404	404	0	601	766	+165	37	37	0	1042	1207	+165
Number of victims contacted by telephone by [REDACTED]	262	304	+42	501	641	+140	34	34	0	797	979	+182
Number of victims who could not be reached	142	100	-42	100	165	+65	3	3	0	245	265	+20
Number of victims with initial diagnosis by [REDACTED] as part of psychological support	242	304	+62	485	641	+156	33	34	+1	760	979	+219
Number of victims diagnosed as part of physical support by [REDACTED]	224	284	+60	367	600	+233	34	34	0	625	918	+293
Number of victims in training	9	30	+21	129	400	+271	2	2	0	140	432	+292
Number of victims who completed basic training	194	234	+40	215	365	+150	23	34	+11	432	633	+201
Number of victims who received IGA cash	185	225	+40	86	250	+114	21	34	+13	292	509	+217

E. Symbolic Reparations

41. Construction of symbolic structures could not commence [REDACTED] that could negatively impact the success and implementation of the project. The Trust Fund is expecting shortly a report from the implementing partner and mitigating measures.

42. The Trust Fund takes note of, and will abide by, the Trial Chamber's invitation to provide the necessary information to the LRVs and the OPCV as soon as possible, to ensure that the victims are adequately informed of all the necessary details and can effectively benefit from the symbolic reparations.

F. Additional matters

43. In its Tenth Decision, the Trial Chamber has urged the TFV to strengthen its fundraising efforts, and invited it to submit information on its fundraising plans for the forthcoming years, reporting on it periodically relation thereto. As of 25 November 2022, the complement for the *Lubanga* case is EUR 4,425,000, which is, at the current exchange rate and subject to change, 47 % of the total liability amount. As EUR 2.641 million is the value of reparative services allocated by today to the two implementing partners ([REDACTED] for the first contractual year,

[REDACTED] for the entire contractual period), it is a matter of high priority to receive additional funds for the *Lubanga* case. Donor countries which have earmarked their contributions or which were allocated by the TFV to *Lubanga* reparations include Germany (EUR 300,000), the Netherlands (EUR 350,000), and Finland (EUR 275,000).

44. Finding funding for the *Lubanga* reparations is a top priority at the TFV. A fundraising consultant developed in 2022 a fundraising strategy that informed the Strategic Plan for the period 2023 to 2025, currently sent for consultation to States and other stakeholders. One central theme of the strategy is the increase of the Trust Fund's visibility as an essential part of the Rome Statute's reparative justice system. A side event to that effect has been organised at the twenty-first session of the Assembly of States Parties.

45. To increase the visibility of the programme, the Acting Executive Director has, together with the Ambassadors of Canada, the Netherlands and Senegal to the DRC visited TFV programme activities in Ituri province from 31 October to 4 November 2022, drawing attention to how TFV reparative justice programmes are implemented in the Democratic Republic of the Congo. This mission was conducted with a view to sensitising states to the necessity to donate in particular to the *Lubanga* and *Ntaganda* reparations.

46. The Trust Fund is also in the process of strengthening its position in relation to multilateral and consequentially private donors, which will feature in the acquisition strategy that is currently under development with the assistance of a fundraising consultant; concrete steps are being taken in pursuing these goals, *e.g.* a first presentation of the work of the Trust Fund to the EU COJUR in September 2022.

47. In regard to States Parties, the Trust Fund has made multiplied calls for States Parties to donate, inviting States as a matter of urgency to provide voluntary contributions in particular to the case of *Lubanga*, including by earmarking as per regulation 27 of the Regulations of the Trust Fund. The Trust Fund will also use the opportunity of the upcoming Assembly of States Parties to showcase the work done so far and further highlight the dire need for funding in the *Lubanga* and *Ntaganda* reparations *inter alia*. The Trust Fund has also taken concrete steps in relation to funding from non-states parties.

48. The Board of Directors is scheduled to approve the allocation of funds to programmes in quarter 1 of 2022. The Trust Fund for Victims will notify the Trial Chamber of the relevant

allocations to the *Lubanga* programme for the third contractual year. The status of fundraising efforts of the Trust Fund is also included in the Management Briefs to the Board of Directors, which are published on the website, as well as in the Trust Fund's yearly reports to the Committee on Budget and Finance and the Assembly of States Parties.

FOR THE FOREGOING REASONS

The Trust Fund respectfully requests the Trial Chamber to take note of the present report.



Franziska Eckelmans
Acting Executive Director of the Trust Fund for Victims,
Dated this 28th of November 2022
In London, United Kingdom