



Reparations Mandate

The *Lubanga* Case



Found guilty, on 14 March 2012, of the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities (child soldiers) and sentenced, on 10 July 2012, to a total of 14 years of imprisonment. Verdict and sentence confirmed by Appeals Chamber on 1 December 2014. On 19 December 2015, Mr Lubanga was transferred to a prison facility in the Democratic Republic of the Congo (DRC) to serve his sentence of imprisonment. The reparations proceedings started on 7 August 2012. On 3 March 2015, the Appeals Chamber issued an Amended Order for Reparations, remanding the question of establishing the amount of Mr Lubanga's liability for the reparations awarded, and requested the Trust Fund for Victims (TFV or Trust Fund) to submit a draft implementation plan.

In 2015, the TFV Board of Directors decided to allocate initial €1 million for the reparations awards in this case. The TFV submitted the Draft Implementation Plan for the *Lubanga* reparations on 3 November 2015 and additional information to supplement the reparations plan in June 2016. The Trial Chamber approved symbolic collective awards in October 2016 and service-based collective reparations awards (physical and psychological rehabilitation, as well as income-generating programmes) in April 2017.

On 15 December 2017, the Trial Chamber set Mr Thomas Lubanga's liability for the reparations

awards to US\$10 million and requested that the Board of the Trust Fund for Victims consider, in light of Mr Lubanga's indigence, complementing the payment of the reparations awards.

In May 2018, the TFV Board decided to provide an additional complement of €2.5 million for the *Lubanga* reparations awards. Thus, in total, the Trust Fund's complement in the *Lubanga* case stands at €3.5 million. The Board further decided to undertake fundraising efforts to secure the remainder of the reparations award amount established by the Trial Chamber.

The *Katanga* Case



Found guilty, on 7 March 2014, of one count of crime against humanity (murder) and 4 counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, Ituri Province, DRC. Sentenced, on 23 May 2014, to 12 years' imprisonment, which was later reduced by the Appeals Chamber. Mr Katanga completed his sentence on 18 January 2016.

On 24 March 2017, Trial Chamber II issued a reparations order, awarding individual and collective reparations to 297 victims, comprising a symbolic compensation award of US\$ 250 per victim as well as collective reparations awards in the form of support for 1) housing assistance, 2) support for income-generating activities, 3) education aid and 4) psychological support.

Because of Mr Katanga's indigence, the Trust Fund was invited to consider using its resources for the reparations and to present an implementation plan by 27 June 2017.

In May 2017, the Trust Fund's Board decided to provide US \$1 million for the reparations awarded to victims in the *Katanga* case covering the full amount of the costs of the reparations awards ordered by the Trial Chamber. The Board also welcomed a voluntary contribution of €200,000 by the Government of The Netherlands, which included earmarked funding to cover the cost of individual awards. On 25 July 2017, the Trust Fund presented its draft implementation plan to the Chamber.

Throughout the first half of 2018, the Trust Fund has worked in close collaboration with the relevant ICC Registry sections and the legal representatives in the case with regard to the reparations implementation process.

The *Al Mahdi* Case



On 27 September 2016, Trial Chamber VIII found Mr Al Mahdi guilty, as a co-perpetrator, of the war crime of intentionally directing attacks against historic monuments and buildings dedicated to religion, including nine mausoleums and one mosque in Timbuktu, Mali, in June and July 2012.

On 17 August 2017, Trial Chamber VIII issued its Order for Reparations, awarding reparations in the amount of €2.7 million in the forms of individual compensation and collective economic and moral rehabilitation. In its order, the Trial Chamber requested that the TFV Board consider, in light of Mr Al Mahdi's indigence, complementing the payments of both the individual and collective reparations awards and tasked the Trust Fund with preparing a draft plan for the implementation of the order.

Throughout the first half of 2018, the Trust Fund undertook several missions to Mali for the development of the draft implementation plan. The Trust Fund also collaborated closely with the relevant Court's Registry sections for the purposes of designing the identification and screening process for potential beneficiaries.

On 20 April 2018, the Trust Fund submitted its draft implementation plan. On 12 July 2018, the Trial Chamber ordered the Trust Fund to provide on 2 November 2018, an updated draft implementation plan. In May 2018, the TFV Board decided to allocate €1,350,000 for the reparations awarded to victims in the *Al Mahdi* case, and undertake fundraising efforts to secure the remainder of the reparations award amount established by the Trial Chamber.

The *Bemba* Case



On 8 June 2018, the Appeals Chamber, by majority, overturned the conviction of Jean-Pierre Bemba Gombo for war crimes and crimes against humanity (rape, murder, and pillage). Following this decision, on 13 June 2018, the Trust Fund announced its plans to accelerate the relaunch of an assistance programme in the Central African Republic (CAR), which will aim to provide assistance for the harm suffered by victims in the *Bemba* case, as well as victims of sexual and gender based violence during the 2002-2003 conflict. The TFV Board also decided to allocate an initial amount of €1 million for the initial programme and to undertake further fundraising efforts.

Assistance Mandate

Democratic Republic of the Congo



The Trust Fund's assistance programme in the Democratic Republic of the Congo (DRC) was closed in the second quarter of 2017. The assistance programme in the country started in 2008, and was implemented in the three provinces of eastern DRC (Ituri, North and South Kivu). The assistance programme developed throughout several phases that were implemented by various local and international organizations and reached more than 230,000 beneficiaries.

The Trust Fund has finalized the procurement process for the launch of a five-year new cycle of the assistance mandate programme in the DRC, with eleven new organisations being identified. The selection of the implementing partners was based on the quality and relevance of the proposed projects, on a balanced spread of harms to be addressed, geographical distribution and a balance of local and international partners. The TFV anticipates that the implementation of the assistance programme will start in early 2019.

Uganda



Since 2008, the Trust Fund has been providing support to survivors of the conflict in northern Uganda through 16 projects implemented by local

and international partners. The Trust Fund is currently active in 22 districts and has rehabilitated more than 200,000 people over the past ten years. Through the assistance mandate programme the Trust Fund provides livelihood activities, medical support to victims of mutilation, amputation, burns, and sexual violence, as well as psychological rehabilitation to address the trauma that victims have experienced and witnessed.

In February 2018 the Trust Fund initiated a new open tender process, requesting proposals from locally-based organisations in Uganda, for the new five-year cycle of the assistance programme. The tender process is expected to be completed by the end of October 2018, and the implementation of the new programme will start in early 2019.

Côte d'Ivoire



In January and February 2017, the Trust Fund conducted a preliminary assessment to explore the possibility of starting an assistance programme in Côte d'Ivoire (CIV). The assessment team visited the capital, Abidjan, and 11 localities in the centre, and in the western and southern parts of the country. The team met with victims and community members, as well as community leaders, civil society representatives including victims' associations, the media, national and local authorities, and representatives of the international community.

The aim of the assessment was to gain an understanding of the situation of victims of crimes under the Court's jurisdiction, with a focus on establishing the relevance and feasibility of interventions to assist victims and their families who have suffered physical, psychological and/or material harm as a result of these crimes. In May 2017, the TFV Board decided to launch a new assistance programme in Côte d'Ivoire.

The TFV has started the necessary preparations, including contacting CIV government authorities in different ministries and launching an open tender for the identification of new implementing partners. The TFV anticipates that the assistance programme will start in 2019.

Central African Republic



On 13 June 2018, the Trust Fund's Board of Directors decided to accelerate the relaunch of assistance programme in CAR, following Mr Bemba's acquittal decision on 8 June 2018. The assistance programme will be provided in the form of physical and psychological rehabilitation, as well as material support, for the benefit of victims and their families in the CAR I situation.

As instructed by the Board, the Trust Fund will consider first the harms suffered by the most vulnerable victims who have participated in the *Bemba* case, and, second, harms suffered from additional sexual and gender based violence (SGBV) arising out of the situation in CAR I.

The Board further directed the Secretariat to consult with the Legal Representatives of the victims in the *Bemba* case, as well as the competent CAR government authorities, civil society, and other international actors.

In 2013, the Trust Fund was close to launching the assistance mandate programme in the country focused on SGBV victims, but activities were suspended and eventually cancelled due to the security situation.

Following the decision on 13 June 2018, the Trust Fund has carried out two field visits in CAR in July and September 2018 and conducted victims' consultations, meetings with national and international actors in Bangui, as well as government officials and local authorities. The TFV will urgently undertake further victim harms and needs assessment, as well as a new security assessment for the purposes of launching the assistance mandate programme in CAR.

Reallocating resources from available funds, the TFV has decided in June 2018 to establish a starting capital of €1 million for the assistance programme in CAR and is currently undertaking further fundraising efforts to increase this initial allocation of funds.

Georgia



The TFV participated in a joint mission to Georgia together with the former ICC Registrar Mr Herman von Hebel and the Office of the Prosecutor from 2 – 6 October 2017. The inter-organ outreach mission was aimed at raising awareness about the Court, the TFV and the different roles of the various ICC organs. The TFV conducted its first meetings and dialogues with various stakeholders including victims groups, civil society and government's officials. The joint mission gave the opportunity for the TFV to have a better understanding of the situation country, as well as the needs of victims, and to look into the possibility of expanding the assistance programme to Georgia. The TFV is currently conducting a desk review on stakeholder analysis as well as existing programmes, gaps in needs and available resources. The TFV is expected to conduct a field mission once the desk review is finalised.

TRUST FUND FOR VICTIMS

International Criminal Court

Oude Waalsdorperweg 10, 2597AK, The Hague, The Netherlands

Contact us at: trustfundforvictims@icc-cpi.int
www.trustfundforvictims.org