

Public

Annex A

PROCEDURAL BACKGROUND¹

1. On 8 March 2021, Trial Chamber VI issued the “Reparations Order”,² whereby it, *inter alia*, instructed the Trust Fund for Victims (the “TFV”) to file the Draft Implementation Plan (the “DIP”) within six months of that decision.³
2. On 16 March 2021, the Presidency assigned the present case to the newly constituted Trial Chamber II⁴ (the “Trial Chamber”). Judge Chang-ho Chung was subsequently elected Presiding Judge of the Trial Chamber.⁵
3. On 16 July 2021, the TFV submitted a request for an extension of the time limit until 17 December 2021 to submit the DIP.⁶
4. On 22 July 2021, the parties expressed their support for, or did not oppose the TFV’s request.⁷ The Registry informed the Trial Chamber that it had no observations to make on the matter.⁸

¹ The procedural background included in these submissions is non-exhaustive and primarily focuses on the procedure relevant to these submissions, omitting the procedure before the Appeals Chamber and submissions in relation to the Initial Draft Implementation Plan (the “IDIP”).

² See the “Reparations Order” (Trial Chamber VI), [No. ICC-01/04-02/06-2659](#), 8 March 2021.

³ *Idem*, para. 249.

⁴ See the “Decision assigning judges to divisions and recomposing chambers” (Presidency), [No. ICC-01/04-02/06-2663](#), 16 March 2021, p. 7.

⁵ See the “Decision on the Election of the Presiding Judge” (Trial Chamber II), [No. ICC-01/04-02/06-2664](#), 22 March 2021, para. 2.

⁶ See the “Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2693](#), 16 July 2021.

⁷ See the “Joint Response of the Common Legal Representatives of Victims to the “Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2694](#), 22 July 2021; and the “Observations on Behalf of Mr Ntaganda on the “Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan”, [No. ICC-01/04-02/06-2695](#), 22 July 2021.

⁸ See the Email correspondence from the Registry to the Trial Chamber on 22 July 2021 at 11:10.

5. On 23 July 2021, the Trial Chamber granted the TFV an extension of the time limit to submit its DIP by 17 December 2021.⁹ The Trial Chamber did not indicate when the parties and participants were to respond.

6. On 15 December 2021, the Defence requested an extension of time to respond to the DIP (the “Defence Request for Extension of Time”).¹⁰

7. On 17 December 2021, as instructed by the Trial Chamber,¹¹ the Legal Representative of the Victims of the Attacks (the “Legal Representative”) and the Common Legal Representative of the Former Child Soldiers (together, the “Common Legal Representatives”) jointly responded to the Defence Request for Extension of Time by noon.¹²

8. On the same day, the TFV conveyed to the Trial Chamber, parties and participants that it did not intend to respond to the Defence Request for Extension of Time, and that it intended to file the DIP before midnight on 17 December 2021.¹³

9. On the same day, the VPRS informed the Trial Chamber that it did not have observations on the Defence Request for Extension of Time.¹⁴

⁹ See the “Decision on the Trust Fund for Victims’ Request to Vary the Time Limit to Submit Draft Implementation Plan” (Trial Chamber II), [No. ICC-01/04-02/06-2697](#), 23 July 2021.

¹⁰ See the “Defence request for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan”, [No. ICC-01/04-02/06-2728](#), 15 December 2021.

¹¹ See the Email correspondence from the Trial Chamber to the parties and participants on 15 December 2021 at 19:49.

¹² See the “Joint Response of the Common Legal Representatives of the Victims to the “Defence request for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan”, [No. ICC-01/04-02/06-2729](#), 17 December 2021.

¹³ See the Email correspondence from the TFV to the Trial Chamber on 17 December 2021 at 11:23.

¹⁴ See the Email correspondence from the VPRS to the Trial Chamber on 17 December 2021 at 12:13.

10. On 20 December 2021, the TFV filed the DIP.¹⁵ At the request of the Legal Representative,¹⁶ the TFV provided a courtesy copy thereof on 18 December 2021.¹⁷

11. On 14 January 2022, the Defence requested an extension of the page limit to 30 pages for the observations of the Defence, parties and participants on the DIP (the “Defence Request for Extension of Page Limit”).¹⁸

12. On 18 January 2022, the Common Legal Representatives jointly responded to the Defence Request for Extension of Page Limit, not opposing said request.¹⁹

13. On the same day, the Trial Chamber granted the Defence Request for Extension of Page Limit and allowed the Common Legal Representatives and the Defence to file responses of up to 30 pages each to the DIP.²⁰

14. On the same day, the Common Legal Representative of the Former Child Soldiers submitted an urgent request for an extension of time to respond to the DIP, and also requested the Trial Chamber to instruct the TFV to supplement the DIP with missing information identified (the “CLR1 Request”).²¹

¹⁵ See the “Trust Fund of Victims’ submission of Draft Implementation Plan”, [No. ICC-01/04-02/06-2732](#), 20 December 2021, with confidential Annex A, which contains the Draft Implementation Plan, [No. ICC-01/04-02/06-2732-Conf-AnxA](#), 20 December 2021 (the “DIP”). A public redacted version of the DIP was filed on 25 January 2022 as [No. ICC-01/04-02/06-2732-AnxA-Red](#).

¹⁶ See the Email correspondence from the Legal Representative to the TFV on 17 December 2021 at 11:37.

¹⁷ See the Email correspondence from the TFV to the parties and participants on 18 December 2021 at 01:08.

¹⁸ See the “Request on behalf of Mr Ntaganda seeking an extension of the page limit to respond to the Draft Implementation Plan of the Trust Fund for Victims”, [No. ICC-01/04-02/06-2733](#), 14 January 2022.

¹⁹ See the “Joint Response of the Common Legal Representatives of the Victims to the ‘Request on behalf of Mr Ntaganda seeking an extension of the page limit to respond to the Draft Implementation Plan of the Trust Fund for Victims’”, [No. ICC-01/04-02/06-2734](#), 18 January 2022.

²⁰ See the Email correspondence from the Trial Chamber to the parties and participants on 18 January 2022 at 12:49.

²¹ See the “Public Redacted Version of the ‘URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan’”, [No. ICC-01/04-02/06-2735-Red](#), 18 January 2022.

15. On the same day, the Trial Chamber directed the Defence, the Legal Representative, the TFV and the Registry to file any observations on the CLR1 Request by 20 January 2022.²²

16. On 20 January 2022, the Defence filed a response to the CLR1 Request in which it *inter alia* requested the Trial Chamber to determine whether any extension of time is warranted and, if so, to grant the same extension to the other parties and Registry.²³

17. On the same day, the Legal Representative filed his response supporting the CLR1 Request and requested that the Trial Chamber instruct the TFV to further supplement the DIP with the missing information he identified.²⁴

18. On 21 January 2022, the Trial Chamber issued its Decision on the CLR1 Request and ordered, *inter alia* that: (i) the TFV is to supplement the DIP by addressing to the extent possible all matters requiring further clarification as identified by the Common Legal Representatives and the Defence by 24 February 2022; (ii) the parties and the Registry are to file their observations on the DIP and the TFV's supplementary filing by 24 March 2022; and (iii) invites the Democratic Republic of the Congo (the "DRC") authorities to submit observations on the same by 10 March 2022.²⁵

²² See the Email correspondence from the Trial Chamber to the parties and participants on 18 January 2022 at 17:31.

²³ See the "Response on behalf of Mr Ntaganda to the CLR1's request for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan", [No. ICC-01/04-02/06-2736](#), 20 January 2022.

²⁴ See the "Response of the Common Legal Representative of the Victims of the Attacks to the "Public Redacted version of the 'URGENT Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan' (ICC-01/04-02/06-2735-Conf-Exp)", [No. ICC-01/04-02/06-2737-Conf](#), 20 January 2022.

²⁵ See the "Decision on the 'Request of the Common Legal Representative of the Former Child Soldiers for an extension of the time limit to respond to the Trust Fund for Victims' Draft Implementation Plan' and additional request by the TFV" (Trial Chamber II), [No. ICC-01/04-02/06-2739](#), 21 January 2022.

19. On 24 January 2022, the Defence filed submissions on additional matters on the DIP it identified that should be addressed by the TFV.²⁶
20. On 18 February 2022, the TFV submitted a request for an extension of time to submit additional information on the DIP by 11 April 2022 (the “TFV Request”).²⁷
21. On the same day, the Trial Chamber directed the parties and the Registry to file observations on the TFV Request, if any.²⁸
22. On 22 February 2022, the Common Legal Representatives submitted a joint response wherein they opposed the TFV Request, and submitted that should the Trial Chamber grant an extension, the corresponding deadlines for the parties and the Registry should also be extended accordingly.²⁹ The Defence also submitted a response on the same day *inter alia* supporting a limited extension of time be granted to the TFV.³⁰
23. On 24 February 2022, the Trial Chamber partially granted the TFV Request by extending the deadline: (i) for the TFV to supplement the DIP by addressing to the extent possible, all matters requiring further clarification as identified by the Common Legal Representatives and the Defence in an updated DIP by 24 March 2022; (ii) for the DRC authorities to submit observations on the updated DIP, if any, by 7 April

²⁶ See the “Additional matters identified by the Defence in the Draft Implementation Plan that should be addressed by the Trust Fund for Victims”, [No. ICC-01/04-02/06-2740-Conf](#), 24 January 2022.

²⁷ See the “Trust Fund for Victims’ Request for Extension of Time to Submit Additional Information on Draft Implementation Plan”, [No. ICC-01/04-02/06-2746](#), 18 February 2022.

²⁸ See the Email correspondence from the Trial Chamber to the parties and participants on 18 February 2022 at 16:53.

²⁹ See the “Joint Response of the Common Legal Representatives of the Victims to the “Trust Fund for Victims’ Request for Extension of Time to Submit Additional Information on Draft Implementation Plan”, [No. ICC-01/04-02/06-2747](#), 22 February 2022.

³⁰ See the “Defence response to the “Trust Fund for Victims’ Request for Extension of Time to Submit Additional Information on Draft Implementation Plan”, [No. ICC-01/04-02/06-2748](#), 22 February 2022.

2022; and (iii) for the parties and the Registry to file their observations on the updated DIP by 24 April 2022 (the “Decision on the TFV Request”).³¹

24. On 23 March 2022, the TFV requested *inter alia* to submit the Updated DIP at midnight on 24 March 2022, and offered the provision of courtesy copies to be sent to the parties and the Trial Chamber.³² On the same day, the Trial Chamber granted this request.³³

25. On 24 March 2022, the TFV circulated a courtesy copy of the Updated DIP,³⁴ which was filed on 25 March 2022.³⁵

26. On 25 March 2022, the Common Legal Representative for the Former Child Soldiers requested that the TFV transmit the correct track changed version of the Updated DIP to the parties and the Trial Chamber, as provided for in the TFV’s Second Submission.³⁶ On the same day, the TFV provided the Trial Chamber and the parties with the track changed version of the Updated DIP.³⁷

27. On 7 April 2022, with reference to the deadlines in the Decision on the TFV Request,³⁸ the Registry requested that the DRC be granted a two week deadline

³¹ See the “Decision on the Trust Fund for Victims’ Request for Extension of Time to Submit Additional Information on Draft Implementation Plan” (Trial Chamber II), [No. ICC-01/04-02/06-2749](#), 24 February 2022 (the “Decision on the TFV Request”).

³² See the Email correspondence from the TFV to the Trial Chamber and parties on 23 March 2022 at 12:06.

³³ See the Email correspondence from the Trial Chamber to the parties and participants on 23 March 2022 at 13:46.

³⁴ See the Email correspondence from the TFV to the Trial Chamber and parties on 25 March 2022 at 10:46.

³⁵ See the “Trust Fund for Victims’ second submission of the Draft Implementation Plan”, [No. ICC-01/04-02/06-2750](#), 24 March 2022 (the “Second Submission”), with confidential Annex A, which contains the second version of the DIP, [No. ICC-01/04-02/06-2750-Conf-Anx1](#), and confidential and *ex parte* Annex B, [No. ICC-01/04-02/06-2750-Conf-Exp-Anx2](#), only available to the Common Legal Representatives.

³⁶ See the Email correspondence from the Common Legal Representative of the Former Child Soldiers to the Trial Chamber and parties on 25 March 2022 at 15:56. See also, the Second Submission, *supra* note 35, para. 17.

³⁷ See the Email correspondence from the TFV to the Trial Chamber and parties on 25 March 2022 at 18:40.

³⁸ See the Decision on the TFV Request, *supra* note 31.

starting from the notification of the French translation of the public redacted version of the Updated DIP for the submission of the observations of the DRC authorities.³⁹ On the same day, the Registry further conveyed to the Trial Chamber that following consultations with the DRC authorities, a variation of the time limit of two weeks pursuant to regulation 35 of the Regulations of the Court (the “RoC”) is requested;⁴⁰ and that it should be able to finalise the French translation of the Updated DIP by 19 April 2022 should it receive the public redacted version of the same by 7 April 2022 from the TFV⁴¹ (the “Registry’s Request”).

28. On the same day, the Defence indicated it did not oppose a variation of the time limit for the DRC authorities to submit their observations on the Updated DIP provided that the Defence and parties have an opportunity to provide observations thereon.⁴²

29. On 8 April 2022, the Trial Chamber granted the Registry’s Request to extend the time limit for the submission of the observations of the DRC authorities. The Trial Chamber accordingly extended the deadline for: (i) the DRC authorities to submit observations on the Updated DIP, if any, by 4 May 2022; and (ii) the parties and the Registry to file their observations on the Updated DIP by 18 May 2022.⁴³ On the same day, the Registry conveyed that the DRC authorities would be informed accordingly.⁴⁴

³⁹ See the Email correspondence from the Registry to the Trial Chamber and parties on 5 April 2022 at 13:12

⁴⁰ See the Email correspondence from the Registry to the Trial Chamber and parties on 7 April 2022 at 18:18.

⁴¹ See the Email correspondence from the Registry to the Trial Chamber on 7 April 2022 at 17:33.

⁴² See the Email correspondence from the Defence to the Trial Chamber and parties on 7 April 2022 at 18:39.

⁴³ See the Email correspondence from the Trial Chamber to the parties and participants on 8 April 2022 at 10:54.

⁴⁴ See the Email correspondence from the Registry to the Trial Chamber on 8 April 2022 at 10:57.

30. On the same day, the TFV filed the public redacted version of the Updated DIP.⁴⁵

31. On 14 April 2022, the TFV filed the corrigendum of the public redacted version of the Updated DIP.⁴⁶

32. On the same day, the Defence requested an extension of the page limit for all parties and participants to respond to the Updated DIP and the observations of the DRC authorities to 40 pages pursuant to regulation 37(2) of the RoC⁴⁷ (the “Defence Request for Extension of Pages”).

33. On 19 April 2022, the Language Services Section filed the French translations of the Updated DIP for both the confidential and public redacted version.⁴⁸

34. On 20 April 2022, the Language Services Section filed the French translation of the Annex to the public redacted version of the Updated DIP.⁴⁹

35. On the same day, the Common Legal Representatives jointly filed a response to the Defence Request for Extension of Pages submitting that they do not oppose said request, and that should an extension be granted to the Defence, that the same extension also be granted to the participating Victims.⁵⁰

⁴⁵ See the “Public redacted version of the Annex 1 to the Trust Fund for Victims’ second submission of Draft Implementation Plan”, No. ICC-01/04-02/06-2750-Anx1-Red, 8 April 2022.

⁴⁶ See the “Corrigendum of Public redacted version of Annex 1 to the Trust Fund for Victims’ second submission of Draft Implementation Plan”, [No. ICC-01/04-02/06-2750-Anx1-Red-Corr](#), 14 April 2022.

⁴⁷ See the “Request on behalf of Mr Ntaganda seeking a limited extension of the page limit to respond to the Second Draft Implementation Plan of the Trust Fund for Victims”, [No. ICC-01/04-02/06-2757](#), 14 April 2022.

⁴⁸ See the French translation of: Annex 1 to the Trust Fund for Victims’ second submission of Draft Implementation Plan, [No. ICC-01/04-02/06-2750-Conf-Anx1-tFRA](#) (confidential version) and [No. ICC-01/04-02/06-2750-Anx1-Red-Corr-tFRA](#) (public redacted version of corrigendum), 19 April 2022.

⁴⁹ See the French translation of: Explanatory note of Corrigendum of Public redacted version of Annex 1 to the Trust Fund for Victims’ second submission of Draft Implementation Plan, [No. ICC-01/04-02/06-2750-Anx1-Red-Corr-Anx-tFRA](#), 20 April 2022.

⁵⁰ See the “Joint Response of the Common Legal Representatives of the Victims to the ‘Request on behalf of Mr Ntaganda seeking a limited extension of the page limit to respond to the Second Draft Implementation Plan of the Trust Fund for Victims’”, [No. ICC-01/04-02/06-2758](#), 20 April 2022.

36. On 25 April 2022, the Trial Chamber granted the Defence Request for Extension of Pages, and authorised the Defence and the Common Legal Representatives to file their observations on the Updated DIP in documents not exceeding 40 pages each.⁵¹

37. On 6 May 2022, the Registry transmitted the observations of the DRC authorities on the Updated DIP through a confidential Annex III.⁵²

38. On 16 May 2022, the Registry transmitted the further observations of the DRC authorities to the Updated DIP through a public Annex.⁵³

⁵¹ See the “Decision on the ‘Request on behalf of Mr Ntaganda seeking a limited extension of the page limit to respond to the Second Draft Implementation Plan of the Trust Fund for Victims’” (Trial Chamber II), [No. ICC-01/04-02/06-2759](#), 25 April 2022.

⁵² See the “Transmission des observations des autorités de la République Démocratique du Congo relatives à la version publique expurgée du projet mis à jour du Plan de mise en œuvre du Fonds au profit des victimes”, [No. ICC-01/04-02/06-2760](#), 6 May 2022 which *transmits* the DRC’s observations in confidential Annex III, [No. ICC-01/04-02/06-2760-Conf-AnxIII](#), 6 May 2022.

⁵³ See the “Addendum à la « Transmission des observations des autorités de la République Démocratique du Congo relatives à la version publique expurgée du projet mis à jour du Plan de mise en œuvre du Fonds au profit des victimes », enregistrée le 6 mai 2022, ICC-01/04-02/06-2760”, [No. ICC-01/04-02/06-2762](#), 16 May 2022 which *transmits* the DRC’s further observations in a public Annex, [No. ICC-01/04-02/06-2762-Anx](#), 16 May 2022.