

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
Date: 16 January 2020

**TRIAL CHAMBER VI**

**Before: Judge Chang-ho Chung, Single Judge**

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

**IN THE CASE OF  
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public**

**Response of the Common Legal Representative for the Victims of the Attacks to  
the Request of the International Organization for Migration to provide  
observations pursuant to Rule 103 of the Rules of Procedure and Evidence**

**Source: Office of Public Counsel for Victims (CLR2)**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

Ms Fatou Bensouda

Ms Nicole Samson

**Counsel for the Defence**

Mr Stéphane Bourgon

Mr Christopher Gosnell

**Legal Representatives of the Victims**

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Ms Anne Grabowski

**Legal Representatives of the Applicants**

Ms Sarah Pellet

Mr Alejandro Kiss

Ms Anna Bonini

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Mr Pieter de Baan

**Other**

International Organization for Migration

## I. INTRODUCTION

1. The Common Legal Representative of the Victims of the Attacks (the “Legal Representative”) hereby presents his submissions in response to the request of the International Organization for Migration under Rule 103 of the Rules of Procedure and Evidence filed on 10 January 2020 (the “Request”),<sup>1</sup> which he supports in principle.

## II. PROCEDURAL BACKGROUND

2. On 8 July 2019, Trial Chamber VI (the “Chamber”) found Mr Bosco Ntaganda guilty of 18 counts of war crimes and crimes against humanity.<sup>2</sup>

3. On 25 July 2019, the Chamber issued an order whereby it designated the Single Judge for reparations issues.<sup>3</sup> The same day the Single Judge issued an order setting deadlines with respect to preliminary information regarding reparations.<sup>4</sup>

4. On 5 September 2019, the Registry filed the “Registry’s observations pursuant to the Single Judge’s ‘Order for preliminary information on reparations’ of 25 July 2019, ICC-01/04-02/06-2366”.<sup>5</sup>

5. On 3 October 2019, the Trust Fund for Victims,<sup>6</sup> both teams of Common Legal Representatives of Victims,<sup>7</sup> and the Defence<sup>8</sup> filed their respective submissions in

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<sup>1</sup> See the “Request for Leave to Submit Observations on the issue set out under point 9 (c) of the Order ICC-01/04-02/06=2447”, [No. ICC-01/04-02/06-2455](#), 10 January 2020 (the “Request”).

<sup>2</sup> See the “Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2359](#), 8 July 2019.

<sup>3</sup> See the “Decision notifying the designation of a Single Judge” (Trial Chamber VI), [No. ICC-01/04-02/06-2365](#), 25 July 2019, para 3.

<sup>4</sup> See the “Order for preliminary information on reparations” (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2366](#), 25 July 2019.

<sup>5</sup> See the “Registry’s observations pursuant to the Single Judge’s ‘Order for preliminary information on reparations’ of 25 July 2019, ICC-01/04-02/06-2366”, [No. ICC-01/04-02/06-2391](#), 6 September 2019.

<sup>6</sup> See the “Trust Fund for Victims’ response to the Registry’s Preliminary Observations pursuant to the Order for Preliminary Information on Reparations”, [No. ICC-01/04-02/06-2428](#), 3 October 2019.

<sup>7</sup> See the “Joint Response of the Legal Representatives of Victims to the Registry’s Observations on Reparations”, [No. ICC-01/04-02/06-2430](#), 3 October 2019.

<sup>8</sup> See the “Response on behalf of Mr. Ntaganda to Registry’s preliminary observations on reparations”, [No. ICC-01/04-02/06-2431](#), 3 October 2019.

response to the Registry's observations in accordance with the Single Judge's order of 25 July 2019 and his subsequent decision on a related Defence request for an extension of time.<sup>9</sup>

6. Following the re-composition of the Trial Chamber on 20 November 2019,<sup>10</sup> the Trial Chamber elected Judge Chang-ho Chung as the Presiding Judge of the Chamber and as the Single Judge for the reparations phase of the proceedings.<sup>11</sup>

7. On 5 December 2019, the Single Judge issued the "Order setting deadlines in relation to reparations", whereby he ordered (i) the Registry to continue carrying out preliminary mapping of potential new beneficiaries of reparations; (ii) the Registry – in consultation with the parties – to identify three or more experts; (iii) the Registry to submit a list of proposed experts by 14 February 2020; the Registry, parties, and the Trust Fund for Victims to make submissions on a number of substantial questions, including the principles, criteria, and methodology to be applied, by 28 February 2020.<sup>12</sup>

8. The Single Judge further invited the Prosecution and the authorities of the Democratic Republic of the Congo to file submissions by the same deadline,<sup>13</sup> and specified that any interested organisation could apply for the filing of submissions as *amicus curiae* by 10 January 2020.<sup>14</sup>

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<sup>9</sup> See Email communication from the Chamber to the parties and Registry of 18 September 2019 at 18:05. See also the "Request for a variation of time limit to submit the Defence response to 'Registry's observations, pursuant to the Single Judge's 'Order for preliminary information on reparations' of 25 July 2019, No. ICC-01/04-02/06-2366", [No. ICC-01/04-02/06-2411](#), 18 September 2019.

<sup>10</sup> See the "Decision re-composing Trial Chamber VI" (Presidency), [No. ICC-01/04-02/06-2444](#), 20 November 2019, p. 3.

<sup>11</sup> See the "Decision notifying the election of the Presiding Judge and the designation of a Single Judge" (Trial Chamber VI), [No. ICC-01/04-02/06-2445](#), 22 November 2019, para. 5.

<sup>12</sup> See the "Order setting deadlines in relation to reparations" (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2447](#), 5 December 2019.

<sup>13</sup> *Idem*.

<sup>14</sup> *Ibid.*, para. 9e.

9. The International Organization for Migration submitted a request pursuant to Rule 103 of the Rules by the specified deadline on 10 January 2020.<sup>15</sup>

### III. SUBMISSIONS

10. Pursuant to regulation 24(2) of the Regulations of the Court, the Legal Representative herewith presents his submissions in response to the Request.

11. Although the Request is regrettably silent on the specific expertise the requesting organisation could add to the discussion and litigation about the setting of a reparation award in the present case, the Legal Representative nevertheless believes that the International Organization for Migration, based on its mandate and activities as such, could be in a position to contribute its expertise in a useful and constructive manner in relation to the matters before the Chamber.

12. In general, the involvement of specialised agencies is to be welcomed in such complex proceedings that also face the novel situation of having to address harm suffered by thousands of victims in a number of different ways, including specifically victims who were displaced as a result of the crimes committed. He therefore welcomes the intention of the International Organization for Migration to contribute its expertise.

13. Furthermore, and in light of the fact that no other person or organisation has come forward and submitted a request pursuant to Rule 103 of the Rules, the Legal Representative believes that Rule 103 submissions from the International Organization for Migration would not negatively impact the expeditiousness of the proceedings or other fair trial considerations.

14. Should the Chamber be minded to grant the Request, the Legal Representative suggests that the organization's observations be focused on its particular expertise.

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<sup>15</sup> See the Request, *supra* note 1.

**RESPECTFULLY SUBMITTED,**

A handwritten signature in black ink, appearing to read 'Dmytro Suprun', with a period at the end.

Dmytro Suprun  
Common Legal Representative of the Victims of the Attacks

Dated this 16<sup>th</sup> Day of January 2020

At The Hague, The Netherlands