

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/04-02/06

Date: 23 January 2024

**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, with  
Public Annex I**

**Confidential *EX PARTE* Annex II, available only to the TFV and CLR1, and  
Confidential *EX PARTE* Annexes III and IV, available only to the TFV and CLR2**

**First Registry Notification of VPRS Determinations of Victims' Eligibility for  
Reparations and/or Priority Status**

**Source:** Registry

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

**The Office of the Prosecutor**

Karim A. A. Khan  
Mame Mandiaye Niang  
Nicole Samson

**Counsel for the Defence**

Stephane Bourgon  
Kate Gibson  
Benjamin Willame

**Legal Representatives of the Victims**

Sarah Pellet  
Dmytro Suprun

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Paolina Massidda

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Oswaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Section**

**Detention Section**

**Victims Participation and Reparations  
Section**

Philipp Ambach

**Trust Fund for Victims**

Deborah Ruiz Verduzco

**Others**

## I. Transmission

1. In accordance with the “Reparations Order”,<sup>1</sup> the “First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations” (“First Decision”),<sup>2</sup> and the “Decision on the TFV’s Ninth to Twelfth Update Reports on the Implementation of the Initial Draft Implementation Plan”,<sup>3</sup> the Victims Participation and Reparations Section (“VPRS”) has started in 2023 assessing the eligibility for reparations and/or the priority status of the victims’ dossiers currently in its possession.
2. Pursuant to paragraph 185(e) of the First Decision, the Registry presently informs the Chamber that, following the receipt of supplementary information in December 2023, the VPRS was able to complete its first determinations on the eligibility for reparations<sup>4</sup> and the priority status of 29 victims’ dossiers.<sup>5</sup> In addition, the VPRS completed its assessment on the priority status of three victims previously found eligible for reparations by the Chamber.<sup>6</sup> As a result, the VPRS issued 29 positive eligibility determinations, and altogether 32 victims were assessed as requiring priority treatment.

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<sup>1</sup> Trial Chamber VI, “Reparations Order”, 8 March 2021, ICC-01/04-02/06-2659, para. 214.

<sup>2</sup> Trial Chamber II, “First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 11 August 2023, ICC-01/04-02/06-2860-Conf, para. 185. A public redacted version was issued on 30 August 2023. See also “Decision on the TFV’s initial draft implementation plan with focus on priority victim’s, 23 July 2021, ICC-01/04-02/06-2696, para. 5: “In the Reparations Order, the Chamber adopted the principle of ‘prioritisation’, according to which, although all victims are to be treated fairly and equally, priority may need to be given to certain victims who are in a particularly vulnerable situation or require urgent assistance.”

<sup>3</sup> Trial Chamber II, “Decision on the TFV’s Ninth to Twelfth Update Reports on the Implementation of the Initial Draft Implementation Plan”, dated 31 August 2023 and notified on 1 September 2023, ICC-01/04-02/06-2868.

<sup>4</sup> In line with the criteria set out by the Chamber in the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, 14 July 2023, ICC-01/04-02/06-2858-Conf. A public redacted version was notified on the same day (ICC-01/04-02/06-2858-Red).

<sup>5</sup> In a previous submission, the VPRS proposed to issue eligibility determinations only once a final judicial determination of the eligibility criteria is made (see para. 24 of Annex I of the “Registry Submission pursuant to ICC-01/04-02/06-2860-Red”, 3 November 2023, ICC-01/04-02/06-2878-AnxI-Red, referring to the ongoing appeals from the Defence and CLR2). See for the current approach fn. 8 *infra*.

<sup>6</sup> The eligibility for reparations of these three non-participating victims who had filled in a consultation form was decided upon by the Chamber in the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, 14 July 2023, ICC-01/04-02/06-2858-Red, para. 144.

3. The details of the 32 individual VPRS determinations are included in confidential *ex parte* Annexes II, III and IV, available to the TFV and the respective Common Legal Representatives of Victims (“CLR”).<sup>7</sup> The VPRS therefore hereby transmits :
- An explanation of the content and assessment criteria of the VPRS individual assessment reports (public Annex I);
  - A table containing the VPRS individual assessment report related to one victim of crimes against child soldiers (confidential *ex parte* Annex II, available only to the TFV and CLR1);
  - A table containing the VPRS individual assessment reports related to 28 victims of the attacks (confidential *ex parte* Annex III, available only to the TFV and CLR2); and
  - A table containing the VPRS individual assessment reports related to three victims of the attacks, already found eligible for reparations by the Chamber (confidential *ex parte* Annex IV, available only to the TFV and CLR2).
4. The VPRS will simultaneously transmit to the Chamber and the TFV, outside the record of the case, the dossiers of the 32 victims found eligible for reparations and priority treatment, for the TFV to be able to follow up as ordered by the Chamber in paragraph 185(f) of the First Decision.<sup>8</sup> The VPRS will also provide the TFV with the updated contact details of these victims.
5. The VPRS is planning to file by April 2024 an update report with further results of its administrative eligibility assessments, providing statistics about the

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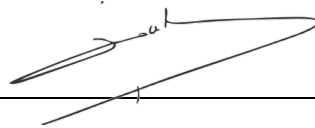
<sup>7</sup> Ms Sarah Pellet (“CLR1”) represents the group of Victims of Crimes Against Child Soldiers in the proceedings and Mr Dmytro Suprun (“CLR2”), represents the group of Victims of the Attacks.

<sup>8</sup> As authorised by email correspondence from the Chamber of 22 January 2024, the VPRS simultaneously transmits to both the Chamber and the TFV periodic batches of individual decisions including access to the individual dossiers, so that the TFV is able to act upon them immediately, while at the same time providing the Chamber with the necessary judicial oversight over relevant eligibility findings as per para. 185(f) of its First Decision.

positive and negative eligibility determinations completed between January and March 2024.

## II. Classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annexes II, III and IV to this document are classified confidential *ex parte*, only available to the TFV and the relevant CLR, since they contain sensitive information on the victims concerned.



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Marc Dubuisson  
Director Division of Judicial Services  
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 23 January 2024

At The Hague, the Netherlands