

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

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

Date: 30 September 2020

**TRIAL CHAMBER VI**

**Before:** Judge Chang-ho Chung, Presiding Judge  
Judge Robert Fremr  
Judge Olga Herrera Carbuca

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

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

**Public  
With Confidential Annexes I-V  
Registry's First Report on Reparations**

**Source:** Registry

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

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**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
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**The Office of Public Counsel for the  
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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Mr Pieter de Baan

## I. Introduction

1. The Registry submits this report and its related annexes pursuant to the “First Decision on Reparations Process” (“First Decision”) in the case of *The Prosecutor v. Bosco Ntaganda* (“Case”). Trial Chamber VI (“Chamber”) ordered the Registry to submit by 30 September 2020 a report setting out: “(i) its assessment as to which participating victims fall within the scope of the case following the judgment, including the crime(s) reported by them, (ii) a preliminary update on the *Lubanga* victims [...]; (iii) a report on the mapping and any identification of potential new beneficiaries, including the crime(s) reported by them; and (iv) a preliminary report on the sample.”<sup>1</sup>
2. The Chamber ordered that “in the same report, the Registry shall also identify any key legal and factual issues relevant to the eligibility assessment of potential beneficiaries that may need a determination by the Chamber.”<sup>2</sup>
3. In accordance with the First Decision, the Registry has structured its report, presented as Annex I, in the following manner:
  - (i) Update on the Registry reassessment exercise for participating victims;
  - (ii) Key legal and factual issues relevant to the eligibility assessment;
  - (iii) Update on *Lubanga* victims;
  - (iv) Report on the methodology applied in the preparation of the sample and for the completion of the mapping of potential new beneficiaries.
4. The Registry has also attached four additional annexes: Annex II contains a draft reparation consultation form for use with those potential beneficiaries who have yet to complete forms; Annex III contains a draft shorter

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<sup>1</sup> Trial Chamber VI, “First Decision on Reparations Process”, 26 June 2020, ICC-01/04-02/06-2547, paras 43-44. The Registry notes that the Chamber also ordered that “[f]ollowing this, the Registry shall continue reporting to the Chamber on these issues every three months. The reports shall be notified to the LRVs, Defence, and the TFV.”

<sup>2</sup> *Id.*

consultation form for use with participating victims; Annex IV contains a draft version of the Registry's sample set "Matrix", and Annex V contains an updated security and health assessment from the Registry's Country Analysis Unit.

## II. Procedural History

5. On 8 July 2019, the Chamber issued its Judgment in the Case, convicting Mr Ntaganda of war crimes and crimes against humanity.<sup>3</sup>
6. On 25 July 2019, the Single Judge issued an Order for preliminary information on reparations, requesting the Registry to provide, *inter alia*, information on, and any proposed methodology for, the identification of victims not yet participating ("25 July 2019 Order").<sup>4</sup>
7. On 5 September 2019, the Registry submitted its preliminary observations on reparations pursuant to the 25 July 2019 Order setting out, *inter alia* the Registry's proposal for the identification and registration of potential beneficiaries in the Case ("Registry's Preliminary Observations").<sup>5</sup>
8. On 3 October 2019, the Prosecution,<sup>6</sup> Defence,<sup>7</sup> Legal Representatives of Victims<sup>8</sup> ("LRVs") and Trust Fund for Victims<sup>9</sup> ("TFV") each filed their responses to the Registry's Preliminary Observations.
9. On 5 December 2019, the Single Judge issued the Order setting deadlines in relation to reparations ("5 December 2019 Order").<sup>10</sup>

<sup>3</sup> Trial Chamber VI, "Judgment", 8 July 2019, ICC-01/04-02/06-2359.

<sup>4</sup> Trial Chamber VI, "Order for preliminary information on reparations", 25 July 2019, ICC-01/04-02/06-2366, para. 4.

<sup>5</sup> Registry, "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", 6 September 2019, ICC-01/04-02/06-2391.

<sup>6</sup> Office of the Prosecutor, "Prosecution's response to the Registry's observations, pursuant to the Single Judge's 'Order for preliminary information on reparations' (ICC-01/04-02/06-2391-Anx1)", 3 October 2019, ICC-01/04-02/06-2429.

<sup>7</sup> Defence, "Response on behalf of Mr. Ntaganda to Registry's preliminary observations on reparations", 3 October 2019, ICC-01/04-02/06-2431 ("Defence Request").

<sup>8</sup> Legal Representatives of Victims, "Joint Response of the Legal Representatives of Victims to the Registry's Observations on Reparations", 3 October 2019, ICC-01/04-02/06-2430.

<sup>9</sup> Trust Fund for Victims, "Trust Fund for Victims' response to the Registry's Preliminary Observations pursuant to the Order for Preliminary Information on Reparations", 3 October 2019, ICC-01/04-02/06-2428.

10. On 28 February 2020, the Registry,<sup>11</sup> Defence,<sup>12</sup> Prosecution,<sup>13</sup> LRVs<sup>14</sup> and TFV<sup>15</sup> each filed their observations on reparations in the Case.
11. On 14 May 2020, the Chamber, in the Decision appointing experts on reparations (“Appointment Decision”)<sup>16</sup> appointed four experts (“Appointed Experts”) and ordered them to submit their report to the Chamber, notifying “the parties, the TFV, the VPRS [Victims Participation and Reparations Section], and the Prosecution” by 28 August 2020.<sup>17</sup>
12. On 26 June 2020, the Chamber issued the First Decision.<sup>18</sup>
13. On 20 July 2020, the Chamber issued the Decision on request for an extension of time for filing of experts’ report, extending the Appointed Experts’ deadline to 30 October 2020.<sup>19</sup>
14. On 11 September 2020, the Defence filed its request seeking clarification and/or further guidance from the Chamber on aspects of the First Decision (“Defence Request”).<sup>20</sup> The Defence also requested a delay to respond to the Registry’s First Report on Reparations.
15. On 24 September 2020, the LRVs jointly responded to the Defence Request.<sup>21</sup>

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<sup>10</sup> Trial Chamber VI, “Order setting deadlines in relation to reparations”, 5 December 2019, ICC-01/04-02/06-2447, para. 9(a).

<sup>11</sup> Registry, “Registry Observations on Reparations”, 28 February 2020, ICC-01/04-02/06-2475.

<sup>12</sup> Defence, “Defence Submissions on Reparations”, 28 February 2020 (a public redacted version was filed on 6 March 2020), ICC-01/04-02/06-2479-Red.

<sup>13</sup> Office of the Prosecutor, “Prosecution’s Observations on Reparations”, 28 February 2020, ICC-01/04-02/06-2478.

<sup>14</sup> LRV 1, “Submissions on Reparations on behalf of the Former Child Soldiers”, 28 February 2020, ICC-01/04-02/06-2474; LRV2, “Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations”, 28 February 2020, ICC-01/04-02/06-2477-Red.

<sup>15</sup> TFV, “Trust Fund for Victims’ observations relevant to reparations”, 28 February 2020, ICC-01/04-02/06-2476.

<sup>16</sup> Trial Chamber VI, “Decision appointing experts on reparations”, 14 May 2020 (a public redacted version was filed on the same day), ICC-01/04-02/06-2528-Red.

<sup>17</sup> Decision, para. 18 and page 10.

<sup>18</sup> See *supra*, footnote 1.

<sup>19</sup> Trial Chamber VI, “Decision on Request for an Extension of Time for Filing of Experts’ Report”, 20 July 2020, ICC-01/04-02/06-2553.

<sup>20</sup> Defence, “Defence request seeking clarifications and/or further guidance following the “First Decision on Reparations Process” and Request seeking an extension of time to submit observations on the Registry 30 September Report”, 11 September 2020, ICC-01/04-02/06-2578.

<sup>21</sup> Legal Representatives of Victims, Joint Response of the Common Legal Representatives of Victims to the “Defence request seeking clarifications and/or further guidance following the ‘First Decision on

16. On 29 September 2020, the Chamber issued its Decision rejecting the Defence Request but granting the Defence and the LRVs until 30 October 2020 to respond to the Registry's First Report on Reparations.<sup>22</sup>

### III. Classification

17. Pursuant to Regulation 23 *bis*(1) of the Regulations of the Court, the annexes to the present submission are classified confidential as they contain confidential information relating to the victims in *The Prosecutor v. Thomas Lubanga* case ("*Lubanga case*"), as well as details on the Registry's *modus operandi*. The Registry will file shortly a public redacted version of its report (Annex I).

### III. Applicable Law

18. The present transmission is submitted in accordance with paragraph 44 of the First Decision.

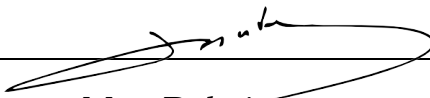
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Reparations Process' and Request seeking an extension of time to submit observations on the Registry 30 September Report", 24 September 2020, ICC-01/04-02/06-2600.

<sup>22</sup> Trial Chamber VI, "Decision on the Defence request seeking clarifications and/or further guidance following the 'First Decision on Reparations Process' and Request seeking an extension of time to submit observations on the Registry 30 September Report", 29 September 2020, ICC-01/04-02/06-2601.

#### IV. Submission

19. The Registry hereby submits its First Report on Reparations as Annex I, together with the four other annexes listed above for the Chamber's consideration.<sup>23</sup>



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Marc Dubuisson  
Director Division of Judicial Services  
on behalf of Peter Lewis, Registrar

Dated this 30 September 2020

At The Hague, the Netherlands.

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<sup>23</sup> See *supra*, para. 4.