



**Original: English**

**No. ICC-01/04-02/06 A4 A5**

**Date: 11 June 2021**

**THE APPEALS CHAMBER**

**Before:** Judge Marc Perrin de Brichambaut, Presiding  
Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Solomy Balungi Bossa  
Judge Gocha Lordkipanidze

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

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

**Public**

**Order setting a time limit for responses to the request for suspensive effect and invitation to the Trust Fund for Victims to submit observations on that request**

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

**Legal Representatives of Victims**

Ms Sarah Pellet  
Ms Anna Bonini

Mr Dmytro Suprun  
Ms Anne Grabowski

**Counsel for the Defence**

Mr Stéphane Bourgon  
Ms Kate Gibson

**Trust Fund for Victims**

Mr Pieter de Baan

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Victims Participation and Reparations**

**Section**

Mr Philipp Ambach

The Appeals Chamber of the International Criminal Court,

In the appeals of the common legal representative of the victims of the attacks and of Mr Bosco Ntaganda against the decision of Trial Chamber VI entitled ‘Reparations Order’ of 8 March 2021 (ICC-01/04-02/06-2659),

*Issues* the following

## ORDER

1. The Trust Fund for Victims may submit written observations on Mr Bosco Ntaganda’s request for suspensive effect of Trial Chamber VI’s decision entitled ‘Reparations Order’ (ICC-01/04-02/06-2659), by 16h00 on Tuesday, 22 June 2021.
2. The legal representatives of victims may respond to Mr Ntaganda’s request for suspensive effect of Trial Chamber VI’s decision entitled ‘Reparations Order’ (ICC-01/04-02/06-2659), and to the observations of the Trust Fund for Victims, by 16h00 on Friday, 25 June 2021.
3. Mr Ntaganda may respond to the observations of the Trust Fund for Victims by 16h00 on Friday, 25 June 2021.

## REASONS

### I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI issued its decision entitled ‘Reparations Order’<sup>1</sup> (the ‘Impugned Decision’).
2. On 8 April 2021, the common legal representative of the victims of the attacks and Mr Ntaganda filed their respective notices of appeal against the Impugned Decision.<sup>2</sup>

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<sup>1</sup> [Reparations Order](#), ICC-01/04-02/06-2659.

<sup>2</sup> [Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the Reparations Order](#), ICC-01/04-02/06-2668; [Defence Notice of Appeal against the Reparations Order](#), ICC-01/04-02/06-2659, ICC-01/04-02/06-2669.

3. On 7 June 2021, the common legal representative of the victims of the attacks and Mr Ntaganda respectively filed their appeal briefs against the Impugned Decision.<sup>3</sup> In his appeal brief, Mr Ntaganda has requested the Appeals Chamber, *inter alia*, to order ‘the immediate suspension of the Impugned Decision’.<sup>4</sup>

## II. MERITS

4. Rule 103 of the Rules of Procedure and Evidence (the ‘Rules’) provides as follows:

1. At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate.

2. The Prosecutor and the defence shall have the opportunity to respond to the observations submitted under sub-rule 1.

3. A written observation submitted under sub-rule 1 shall be filed with the Registrar, who shall provide copies to the Prosecutor and the defence. The Chamber shall determine what time limits shall apply to the filing of such observations.

5. The Appeals Chamber recalls that its decision under rule 103(1) of the Rules is discretionary.<sup>5</sup> It may permit the filing of observations either by inviting such submissions *proprio motu* or following a request for leave to address the Appeals Chamber.<sup>6</sup>

6. Having regard to Mr Ntaganda’s request for the Appeals Chamber to order ‘the immediate suspension of the Impugned Decision’,<sup>7</sup> and the role of the Trust Fund for Victims (the ‘TFV’) in the implementation of that decision, the Appeals Chamber finds it desirable for the proper determination of the said request to invite the TFV to submit

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<sup>3</sup> [Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order](#), ICC-01/04-02/06-2674; [Defence Appellant Brief against the 8 March Reparations Order](#), ICC-01/04-02/06-2675 (‘Mr Ntaganda’s Appeal Brief’).

<sup>4</sup> [Mr Ntaganda’s Appeal Brief](#), para. 273. *See also* paras 260-272.

<sup>5</sup> *See, e.g., Prosecutor v. Laurent Koudou Gbagbo*, [Decision on the ‘Request for Leave to Submit Amicus Curiae Observations pursuant to Rule 103 of the Rules of Procedure and Evidence’](#), 1 October 2013, ICC-02/11-01/11-517 (OA 5), para. 9.

<sup>6</sup> *Prosecutor v. Jean-Pierre Bemba Gombo*, [Decision on the application of 14 September 2009 for participation as an amicus curiae](#), 9 November 2009, ICC-01/05-01/08-602 (OA 2), para. 10.

<sup>7</sup> [Mr Ntaganda’s Appeal Brief](#), para. 273. *See also* paras 260-272.

observations. The TFV may submit written observations on issues arising from the above-mentioned request, by 16h00 on Tuesday, 22 June 2021.

7. Pursuant to rule 103(2) of the Rules, Mr Ntaganda may respond to the observations submitted by the TFV by 16h00 on Friday, 25 June 2021. The legal representatives of victims may respond to both Mr Ntaganda's request and the TFV's observations by 16h00 on Friday, 25 June 2021.

Done in both English and French, the English version being authoritative.



**Judge Marc Perrin de Brichambaut**  
**Presiding**

Dated this 11th day of June 2021

At The Hague, The Netherlands