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

Date: **13 August 2021**

**THE APPEALS CHAMBER**

**Before:** Judge Marc Pierre Perrin de Brichambaut, Presiding Judge  
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**

**Request on behalf on Mr Ntaganda seeking leave to reply  
to LRV1 and LRV2 Responses**

**Source:** Defence Team of Mr Bosco Ntaganda

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

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Further to the Reparations Order issued by Trial Chamber VI on 8 March 2021 (“8 March Reparations Order”),<sup>1</sup> the appeals lodged by the Legal Representative of Victims of the Attacks (“LRV2”)<sup>2</sup> and by the Defence<sup>3</sup> on 8 April 2021 (“LRV2 Appeal” or “Defence Appeal”, together “Reparations Appeals”) and the responses to the Reparations Appeals submitted by the Legal Representative of the Former Child Soldiers (“LRV1”) and the LRV2 on 9 August 2021 (“LRV1 Response”<sup>4</sup> and “LRV2 Response”,<sup>5</sup> together “LRVs Responses”), Counsel for Mr Ntaganda (“Defence” or “Mr Ntaganda”) hereby submit this:

**Request on behalf on Mr Ntaganda seeking leave to reply to  
LRV1 and LRV2 Responses**

## INTRODUCTION

1. Pursuant to Regulation 60(1) of the Regulations of the Court (“RoC”), the Defence respectfully seeks leave to submit a limited reply addressing the six issues set out below, drawn from the LRVs Responses.

2. Whereas the Defence disagrees with many of the submissions in the LRVs Responses, the position of the Defence on most of these arguments has already been argued in detail in the Defence Appellant Brief and thus, do not warrant a reply. In respect of the six limited issues set out below however, additional submissions are relevant to and likely to assist the Appeals Chamber’s determination of the Reparations Appeals. It is thus in the interest of justice to allow the Defence to reply to these six issues, which are at the center of the reparations process.

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<sup>1</sup> Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#) (“8 March Reparations Order”).

<sup>2</sup> Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the Reparations Order, 8 April 2021, [ICC-01/04-02/06-2668](#) (“LRV2 Appeal”).

<sup>3</sup> Defence Notice of Appeal against the Reparations Order, ICC-01/04-02/06-2659, 8 April 2021, [ICC-01/04-02/06-2669](#) (“Defence Appeal”).

<sup>4</sup> Response of the Common Legal Representative of the Former Child Soldiers on Mr Ntaganda and the Victims of the Attacks’ Appeals against the Reparations Order (ICC-01/04-02/06-2659), 9 August 2021, [ICC-01/04-02/06-2700](#) (“LRV1 Response”).

<sup>5</sup> Response of the Common Legal Representative of the Victims of the Attacks to the Defence’s Appeal Brief (ICC-01/04-02/06-2675), 9 August 2021, [ICC-01/04-02/06-2701](#) (“LRV2 Response”).

3. Notably, for most of these issues, the Defence could not anticipate the arguments and the position taken by the LRVs, which depart from their submissions during the period leading to the 8 March Reparations Order, and, if accepted would render meaningless the involvement of the Defence in reparations proceedings.

4. The importance of the Reparations Appeals in this case, considering in particular the views expressed by the LRVs, cannot be underestimated. Indeed, whether is it sufficient for a Trial Chamber to order collective reparations – which will nonetheless require an assessment of the illegibility of the individuals who will benefit from them – to change the face of the ICC reparations scheme and render the involvement of the Defence unwarranted and/or necessary, is a most important question.

5. Despite precedents in three cases before the Court, which do not support their positions, the LRVs nonetheless opine that “[...] in case of collective reparation awards, the Defence’s involvement in the screening of the eligibility of potential beneficiaries of reparations is neither foreseen nor warranted. [...] No such right exists when the reparation award is collective in nature and the beneficiaries are to be screened for eligibility by the TFV [...]”;<sup>6</sup> that “[...] it was not incumbent upon the Trial Chamber to entertain the Defence’s arguments on the need (i) for the Defence to access to the dossiers of the participating victims, to the application forms of potential new beneficiaries, and to the dossiers of victims included in the sample; (ii) to involve the Defence in the assessment of requests for reparations and in the VPRS’s assessment of the participating victims, and (iii) the need to pronounce on the VPRS’s proposed ‘three group system’”;<sup>7</sup> that “[...] in case of collective reparation awards, the Defence’s involvement in the screening of the eligibility of potential beneficiaries of reparations is neither foreseen nor warranted”<sup>8</sup> and that “[...] the constant jurisprudence of this Court which supports the non-disclosure of victim’s

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<sup>6</sup> [LRV2 Response](#), para.50.

<sup>7</sup> [LRV2 Response](#), para.61.

<sup>8</sup> [LRV2 Response](#), para.93.

identities to the Defence at the reparations stage [...] supports a limited access of the Defence to the victims' reparations applications."<sup>9</sup>

6. If awarding reparations to victims of crimes for which convicted persons are found guilty is to remain a judicial process – and it should –<sup>10</sup> the LRVs views towards the involvement of the Defence cannot be withheld.

7. The Defence respectfully fails to understand why the LRVs, TFV and by extension Trial Chamber VI oppose the Defence getting access to victims' application forms. Expeditionousness cannot be the reason; if Trial Chamber VI had given the Defence access to the victims' application forms at the beginning of the reparations process, the Defence's assessment of these forms would be completed by now. The possibility of successful Defence challenges to victims' applications is also not a valid reason insofar as only true victims of crimes for which the Convicted person was found guilty, should obtain reparations. As for concerns for the victims' well-being and security, it is also not a valid reason. Where necessary, victims' application forms can be redacted.

8. Consequently, it is paramount for the Appeals Chamber, in determining the Reparations Appeals, to pronounce on the role of the Defence in reparations proceedings. This is the context in which this request seeking leave to reply to six limited issues is submitted. In replying to these issues, the Defence intends to focus on, and respond directly to, arguments advanced by the LRV1 and the LRV2, without repeating its own submissions in the Defence Appellant Brief.

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<sup>9</sup> [LRV1 Response](#), para.87. See also Joint Response of the Common Legal Representatives of Victims to 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", 24 September 2020, [ICC-01/04-02/06-2600](#), para.19.

<sup>10</sup> *Prosecutor v. Thomas Lubanga Dyilo*, SEPARATE OPINION OF JUDGE LUZ DEL CARMEN IBÁÑEZ CARRANZA, 16 September 2019, [ICC-01/04-01/06-3466-AnxII](#), paras.25-27; *Prosecutor v. Thomas Lubanga Dyilo*, Separate Opinion of Judge Eboe-Osuji, 18 July 2019, [ICC-01/04-01/06-3466-AnxI](#), para.10.

## PROCEDURAL BACKGROUND

9. On 8 March 2021, the Chamber issued the Reparations Order.
10. On 8 April 2021, the LRV2<sup>11</sup> and the Defence<sup>12</sup> filed their respective notices of appeal against the 8 March Reparations Order.
11. On 7 June 2021, the LRV2 and the Defence filed their respective appeal brief against the 8 March Reparations Order.<sup>13</sup>
12. On 9 August 2021, the LRV1 filed a response to the Defence Appellant Brief as well as to the LRV2 Appeal Brief, addressing issues affecting the interest of her clients.<sup>14</sup> On the same day, the LRV2 submitted his response to the Defence Appellant Brief.<sup>15</sup>
13. On 9 August 2021 the Defence also submitted its response to the LRV2 Appeal Brief.<sup>16</sup>

## APPLICABLE LAW

14. Regulation 60(1) provides that “[w]hensoever the Appeals Chamber considers it necessary in the interests of justice, it may order the appellant to file a reply within such time as it may specify in its order.”
15. The ordering of a reply “[...] lies within the Appeals Chamber’s discretion and is to be decided on a case-by-case basis.”<sup>17</sup>

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<sup>11</sup> [LRV2 Appeal](#).

<sup>12</sup> [Defence Appeal](#).

<sup>13</sup> Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order, 7 June 2021, [ICC-01/04-02/06-2674](#) (“LRV2 Appeal Brief”); Defence Appellant Brief against the 8 March Reparations Order, 7 June 2021, [ICC-01/04-02/06-2675](#) (“Defence Appellant Brief”).

<sup>14</sup> [LRV1 Response](#).

<sup>15</sup> [LRV2 Response](#).

<sup>16</sup> Response on behalf of Mr Ntaganda to the “Appeal Brief of the Common Legal Representative of the Victims of the Attacks against the Reparations Order”, 9 August 2021, [ICC-01/04-02/06-2702](#) (“Defence Response”).

<sup>17</sup> *Prosecutor v. Jean-Pierre Bemba Gombo et al.*, Decision on requests for leave to reply to the Prosecutor’s consolidated response to the appeal briefs, 24 January 2018, [ICC-01/05-01/13-2259](#), para. 9, referring to

16. In *Lubanga* and *Bemba*, the Appeals Chamber granted the appellants' requests for leave to reply on the basis that, *inter alia*: it may assist the Appeals Chamber's determination of the appeal; "the issues to which [the appellant] wishes to reply are pertinent to the proper adjudication of the appeal";<sup>18</sup> and "[the appellant] wishes to correct alleged inaccuracies and provide additional submissions."<sup>19</sup>

## SUBMISSIONS

17. The Defence hereby seeks leave to reply to two issues in the LRV1 Response and four issues in the LRV2 Response. Some issues for which the Defence requests leave to reply, are common to the LRVs Responses. Where this is so, leave to reply is only sought once with the appropriate cross-reference.

18. As a preliminary matter, the Defence wishes to address observations in both the LRV1 Response<sup>20</sup> and the LRV2 Response<sup>21</sup> concerning the order of presentation of submissions in the Defence Appellant Brief. These observations have some merit considering that the Defence addressed its 15 grounds set out in its Notice of Appeal<sup>22</sup> in 3 parts – namely, the Reparations process as such, Trial Chamber VI misunderstanding and application of certain governing principles, and errors committed by Trial Chamber VI leading to the arbitrary determination of Mr Ntaganda's liability – rather than strictly following the order in which they appear in the Notice of Appeal. This approach was meant to facilitate the adjudication of the Defence Appeal. It did not prejudice either LRV in responding to

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*Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on Mr Bemba's request for leave to reply to the Prosecutor's Response to the Document in Support of the Appeal, 7 December 2016, [ICC-01/05-01/08-3480](#), para.8 and the reference cited therein; Decision on request for leave to reply, 11 March 2020, [ICC-01/04-02/06-2488](#), para.7; Decision on request for leave to reply, 4 May 2020, [ICC-01/04-02/06-2522](#), para.6.

<sup>18</sup> Decision on Mr Bemba's request for leave to reply to the Prosecutor's Response to the Document in Support of the Appeal, 7 December 2016, [ICC-01/05-01/08-3480](#), para.8.

<sup>19</sup> Order on the filing of a reply under regulation 60 of the Regulations of the Court, 21 February 2013, [ICC-01/04-01/06-2982](#), para.7.

<sup>20</sup> [LRV1 Response](#), para.18(a).

<sup>21</sup> [LRV2 Response](#), para.4.

<sup>22</sup> Excluding Ground 5 which the Defence opted not to pursue further, [Defence Appellant Brief](#), para.14.

Defence submissions. More importantly, contrary to the LRV1's submission,<sup>23</sup> the Defence neither amended nor varied its grounds of appeal.

**I. Issues drawn from the LRV1 Response**

19. The Defence seeks leave to reply to the following two issues.

a) *Ground 2 paragraph 43 / Ground 10 paragraph 89*

20. In her response to Ground 2<sup>24</sup>, the LRV1 submits that

“Finally, contrary to the Defence submissions, the latter did have a chance to formulate observations on the victims’ individual applications throughout trial, and in particular to respond to the submissions made on their behalf regarding the harm they have been suffering from. The same holds true with regard to subsequent submissions to be made by the Registry and the TFV, to which the Defence will have an opportunity to respond.”<sup>25</sup>

21. The LRV1 submissions are incorrect. Mr Ntaganda did not have access to all victims’ application forms to participate in the proceedings throughout trial. Furthermore, there is a difference between an application form to participate in the proceedings and an application form for reparations pursuant to Rule 94 of the Rules of Procedure and Evidence. More importantly, what access, if any, the Defence had to victims’ participation forms from the beginning of the proceedings against Mr Ntaganda is a core issue concerning the adjudication of the Reparations Appeals.

22. The Defence is a party to the reparations proceedings, the aim of which is, *inter alia*, to assess the harm caused to victims and determine the liability of the convicted person. The fact that the Defence entered the reparations proceedings empty handed without having had access to victims’ application forms, either to participate or for reparations, impacted its ability to play a meaningful role therein. Responding to the submissions made on behalf of the victims regarding the harm suffered was neither possible nor sufficient. To the extent that the LRV1 Response is premised on her argument that the Defence did have access to application forms

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<sup>23</sup> [LRV1 Response](#), para.18(a).

<sup>24</sup> These submissions are repeated in para.89 of the [LRV1 Response](#) in relation to Ground 10.

<sup>25</sup> [LRV1 Response](#), para.43 [footnotes omitted].



throughout trial, it is paramount for the Appeals Chamber to be fully aware of what victims-related information was accessible to the Defence from the beginning of the proceedings. The victims' participation and reparations scheme pursuant to the ICC legal framework must be considered as a whole. Insofar, as the Reparations Appeals challenge the role of the Defence in the reparations process, it is in the interest of justice to allow the Defence to fully brief the Appeals Chamber by replying to the erroneous submissions of the LRV1.

*b) LRV1 Ground 6 paragraph 59 / LRV2 Ground 6 paragraphs 109-116*

23. In her response to Ground 6, the LRV1 "finds it *reasonable* to describe children born out of rape and/or sexual slavery as direct victims of these crimes [...]"<sup>26</sup> and submits that "the recognition provided by the Chamber is an important step for the children born of rape and/or sexual slavery. *Whereas it bears no legal consequences*, it can however make a substantial difference [...]"<sup>27</sup> On the same issue, the LRV2 submits that "[e]ven if a legal error was committed, the Defence fails to show how the Trial Chamber's finding that children born out of rape are direct rather than indirect victims *materially affects the Impugned Decision*."<sup>28</sup>

24. The submissions of the LRVs are wrong. The Chamber's determination does have legal consequences and does materially affect the Impugned Decision. Notably, both the LRV1<sup>29</sup> and LRV2<sup>30</sup> had submitted that children born out of rape were indirect victims. The absence of justification provided by the LRV1 and the erroneous submission of the LRV2 in response to the Defence arguments, justify granting leave to reply. Indeed, whereas the Defence addressed in part the issue, stating that "[...] as direct victims of sexual violence, children born out of rape would also appear to benefit from the same presumptions of psychological, physical and material harm, as

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<sup>26</sup> [LRV1 Response](#), para.60 [emphasis added].

<sup>27</sup> [LRV1 Response](#), para.59 [emphasis added].

<sup>28</sup> [LRV2 Response](#), para.112 [emphasis added].

<sup>29</sup> Observations on the Appointed Experts' Reports and further submissions on reparations on behalf of the Former Child Soldiers, 18 December 2020, [ICC-01/04-02/06-2632](#), para.44.

<sup>30</sup> Final Observations on Reparations of the Common Legal Representative of the Victims of the Attacks, 18 December 2020, [ICC-01/04-02/06-2633-Conf](#), paras.31-33.

well as being subject to a lower burden of evidentiary proof”,<sup>31</sup> the LRV2 erroneous submission that *inter alia* “[...] the Defence’s contention ignores the fact that indirect victims may also benefit from a presumption of harm”<sup>32</sup> requires further submissions.

25. Additional submissions on this issue will assist the Appeals Chamber in the determination of the Reparations Appeals and are thus in the interest of justice.

## II. Issues drawn from the LRV2 Response

26. The Defence seeks leave to reply to the following four issues.

### *a) Ground 1, paragraph 50*

27. In his response to Ground 1, the LRV2 avers that “[i]n particular, in accordance with the jurisprudence of the Court, in case of collective reparation awards, the Defence’s involvement in the screening of the eligibility of potential beneficiaries of reparations is neither foreseen nor warranted.”<sup>33</sup> This is a recurring submission in the LRV2 Response, which is also advanced *inter alia* in Grounds 4<sup>34</sup> and 13.<sup>35</sup>

28. First, the LRV2 submission rests on a flawed interpretation of the Appeals Chamber pronouncement in *Lubanga*. It is noteworthy that in this case, the LRV2 refers to the 2015 Appeals Chamber Decision in *Lubanga*<sup>36</sup> whereas at other times he refers to the 2019 Appeals Chamber Decision in *Lubanga*,<sup>37</sup> without drawing a distinction between the two. Although they are related, these two decisions were

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<sup>31</sup> [Defence Appellant Brief](#), para.111 [footnote omitted].

<sup>32</sup> [LRV2 Response](#), para.113 [footnote omitted].

<sup>33</sup> [LRV2 Response](#), para.50.

<sup>34</sup> [LRV2 Response](#), paras.93,95.

<sup>35</sup> [LRV2 Response](#), para.165.

<sup>36</sup> *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 with AMENDED order for reparations (Annex A) and public annexes 1 and 2, 3 March 2015, [ICC-01/04-01/06-3129](#) (“Lubanga 2015 Appeals Judgement on Reparations”).

<sup>37</sup> *Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeals against Trial Chamber II’s ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’, 18 July 2019, [ICC-01/04-01/06-3466-Red](#), (“Lubanga 2019 Appeals Judgment on Reparations”).

issued at different stages of the reparations proceedings and both address distinct factual and legal circumstances.

29. Second, the LRV2 submission goes way further than Trial Chamber VI, which found in the 8 March Reparations Order that “[c]onsidering its decision to award collective reparations with individualised components, the Chamber sees no need to rule on the merits of individual applications for reparations, pursuant to rule 94 of the Rules”,<sup>38</sup> on the basis of the same Appeals Chamber Decisions.

30. Whether the involvement of the Defence in the screening of the eligibility of potential beneficiaries of reparations is foreseen or warranted is an issue central to the reparations process, which deserves to be clarified through additional submissions in a reply. To the extent that the Appeals Chamber is likely to pronounce on this most important issue in adjudicating the Reparations Appeals, it may be assisted by further submissions. Accordingly, it is in the interest of justice that the Defence be granted leave to reply on this matter.

*b) Ground 2 paragraph 58*

31. In his response to Ground 2, the LRV2 posits that “[c]ontrary to the Defence’s contention, ‘individual components’ do not transform a collective award into individual awards.”<sup>39</sup> In support of his submission, the LRV2 argues that “the Rules are clear insofar as they foresee only two types of reparations: collective or individual.”<sup>40</sup> The LRV2 also relies on a mistaken interpretation of Trial Chamber II’s 2017 *Lubanga* Decision on Reparations Award,<sup>41</sup> which provides characteristics of collective reparations.

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<sup>38</sup> [8 March Reparations Order](#), para.196 [footnote omitted].

<sup>39</sup> [LRV2 Response](#), para.58 [footnote omitted].

<sup>40</sup> [LRV2 Response](#), para.58.

<sup>41</sup> *Prosecutor v. Thomas Lubanga Dyilo*, Corrected version of the “Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable Lubanga”, 21 December 2017, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para.191 (“Lubanga Decision Setting the Size of the Award”).

32. The LRV2 submission focusing on semantics and features of collective reparations while failing to address whether the beneficiaries will be individuals whose eligibility must be assessed or one or more communities is without merit. To the extent that the difference between individual and collective reparations may be so important as to impact the role of the Defence in the reparations process, the Appeals Chamber may be assisted in the adjudication of the Reparations Appeals through additional submissions. Accordingly, it is in the interest of justice that the Defence be granted leave to reply on this matter.

*c) Ground 4 paragraph 89*

33. In his response to Ground 4, addressing transgenerational harm, the LRV2 argues that “[...] the Trial Chamber was also not required to adopt any specific criteria, such as the date of birth of a child for evidentiary purposes.”<sup>42</sup>

34. First, the LRV2 submissions are based on the erroneous premise that “[...] in the present case, the Trial Chamber decided that reparations would be of a collective nature, which in turn does not involve the assessment of individual victims’ applications [...]”.<sup>43</sup> Whether individual or collective reparations are ordered, the conclusion that victims suffered from transgenerational harm requires *inter alia* establishing the causal nexus between the alleged harm and the crimes for which the Defendant was convicted.<sup>44</sup>

35. Second, and more importantly, as acknowledged by the LRV2, “[...] the individual eligibility assessment [for transgenerational harm victims] has been delegated to the TFV.”<sup>45</sup> This is the very issue on which the Defence seeks leave to reply. Not only is transgenerational harm a novel and evolving concept, establishing a medical diagnosis that one suffers from transgenerational harm is a very technical matter, which requires medical expertise. Moreover, determining the existence of a

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<sup>42</sup> [LRV2 Response](#), para.89; *see also* [LRV1 Response](#), para.68.

<sup>43</sup> [LRV2 Response](#), para.89.

<sup>44</sup> [Defence Appellant Brief](#), paras.119,141-142.

<sup>45</sup> [LRV2 Response](#), para.90.

causal link between transgenerational harm and a specific crime is a fact intensive inquiry.

36. Leaving aside the appropriateness of delegating such an assessment to the TFV, addressed in the Defence Appellant Brief,<sup>46</sup> it is a task that cannot be performed in the absence of certain basic facts such as the date of birth of the child and whether other potentially traumatic events occurred between the commission of the crime and the date of birth.<sup>47</sup>

37. Considering the novelty of the concept of transgenerational harm at the ICC, additional submissions on this issue are very likely to assist the Appeals Chamber in determining the Reparations Appeals. It is thus in the interest of justice to grant the Defence leave to reply.

*d) Ground 4 paragraphs 105,107*

38. In his response to Ground 4, the LRV2 submits that “the Defence is alleging that the Trial Chamber abused its discretion when considering the cost to repair the Sayo health centre as suggested by Dr Gilmore”<sup>48</sup> and that “the Defence fails to demonstrate that the criteria for establishing an abuse of judicial discretion have been met.”<sup>49</sup>

39. The LRV2 misconstrues the Defence arguments related to the Sayo health center which are meant to address Trial Chamber VI’s error by relying on unreliable evidence to meet the burden of proof, in the absence of probative evidence on the Trial record. More specifically, the Defence challenges the Trial Chamber’s error in

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<sup>46</sup> See [Defence Appellant Brief](#), PART III, Ground 11.

<sup>47</sup> [Defence Appellant Brief](#), para.135; *Prosecutor v. Germain Katanga*, Decision on the Matter of the Transgenerational Harm Alleged by Some Applicants for Reparations Remanded by the Appeals Chamber in its Judgment of 8 March 2018, 19 July 2018, [ICC-01/04-01/07-3804-Red-tENG](#), para.29.

<sup>48</sup> [LRV2 Response](#), para.107.

<sup>49</sup> [LRV2 Response](#), para.107.

solely considering the report submitted by one of the assigned experts to assess the cost of repair for damage caused to the Sayo health center.<sup>50</sup>

40. The LRV2 posits that “[...] the Trial Chamber appointed the Experts for the specific purpose of being able to rely on their expertise in order to assist its determinations during the reparations proceedings. It would thus be self-defeating if the Trial Chamber could not rely on the reports of the Experts it has appointed.”<sup>51</sup> This is the very issue on which the Defence seeks leave to reply, as allowing a Trial Chamber to rely on expert reports unquestionably, at face value, renders the assessment of the evidence pursuant to the applicable burden of proof, meaningless.

41. Trial Chamber VI was required to assess the reports submitted by the assigned experts and to pronounce on their probative value. No such assessment is found in the 8 March Reparations Order. Yet, in the Impugned Decision, Trial Chamber VI considered the reports submitted by the assigned experts on numerous occasions.<sup>52</sup>


## RELIEF SOUGHT

42. On the basis of the above arguments, the Defence respectfully requests the Appeals Chamber to:

**GRANT** the Defence request for leave to reply to LRV1 and LRV2 Responses; and

**AUTHORISE** the Defence to reply to the six issues set out herein.

**RESPECTFULLY SUBMITTED ON THIS 13<sup>th</sup> DAY OF AUGUST 2021**



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

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<sup>50</sup> [Defence Appellant Brief](#), para.135.

<sup>51</sup> [LRV2 Response](#), para.105 [footnote omitted].

<sup>52</sup> See for example [8 March Reparations Order](#) para.159, para.232, paras.238-242.