

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **25 November 2022**

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 1**

Decision on the Registry submission in compliance with the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:**Legal Representatives of Victims**

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Others

Trial Chamber II of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘*Ntaganda* case’), having regard to articles 68 and 75 of the Rome Statute (‘Statute’), issues this Decision on the Registry submission in compliance with the ‘Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order”’ (the ‘Decision’).

I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI delivered the Reparations Order.¹ On 16 March 2021, Trial Chamber VI was dissolved and the case was assigned to Trial Chamber II.² Hereafter, both Trial Chamber VI and Trial Chamber II are referred to as the ‘Chamber’.

2. On 12 September 2022, the Appeals Chamber issued its Judgment on the appeal against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order” (the ‘Appeals Judgment’).³ The Appeals Judgment remanded the matter to the Chamber, as it partially reversed the Reparations Order ‘to the extent that Trial Chamber VI failed to (i) make any appropriate determination in relation to the number of potentially eligible or actual victims of the award and/or to provide a reasoned decision in relation to its conclusion about that number; (ii) provide an appropriate calculation, or set out sufficient reasoning, for the amount of the monetary award against Mr Ntaganda; (iii) assess and rule upon victims’ applications for reparations; (iv) lay out at least the most fundamental parameters of a procedure for the Trust Fund for Victims to carry out the eligibility assessment; and (v) provide reasons in relation to the concept of transgenerational harm and the evidentiary guidance to establish such harm, the assessment of harm concerning the health centre in Sayo and the breaks in the chain of causation when establishing harm caused by the destruction of that health centre, and the presumption of physical harm for victims of the attacks.’⁴

3. On 25 October 2022, the Chamber issued an Order for the implementation of the Appeals Judgment (‘Order’)⁵ instructing, *inter alia*, (i) the Registry, through the VPRS, to assemble a limited but representative sample composed of applications for participation/joint forms/long forms, additional information and/or supporting documentation of: (a) all 69

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

² Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2021, [ICC-01/04-02/06-2663](#), p. 7.

³ Judgment on the appeal against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order” (‘Appeals Judgment’), 12 September 2022, [ICC-01/04-02/06-2782](#).

⁴ Appeals Judgment, [ICC-01/04-02/06-2782](#), p. 11.

⁵ Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order” (‘Order’), 25 October 2022, [ICC-01/04-02/06-2786](#).

victims that have so far been found eligible to benefit from the Initial Draft Implementation Plan ('IDIP') by the TFV; and (b) a randomly selected group from the total universe of victims,⁶ amounting to 5% of the victims of the attacks and a 5% of the victims of crimes against child soldiers, to be assessed and ruled upon by the Chamber;⁷ (ii) the VPRS to transmit to the Chamber only, the list of individuals included in the sample with all details compiled in relation to those victims by the Registry in their databases;⁸ and (iii) the parties, the VPRS, the OPCV, and the TFV to make submissions, if any, on the procedure for the constitution of the sample established by the Order.⁹

4. On 2 November 2022, after having been seized by the VPRS regarding the existence of additional 25 long forms and 39 victims' applications for reparations,¹⁰ the Chamber instructed the Registry to include them in the universe of victims from where the sample would be extracted and invited the parties to submit any additional observations on the matter.¹¹

5. On 8 November 2022, the Registry filed its submission in compliance with the Chamber's Order ('Registry Submission'),¹² including the list of all individuals included in the sample, details from the relevant victims as compiled in the Registry's databases, and submissions on the redactions of victims' dossiers.

6. On 9 November 2022, submissions were filed by the Defence ('Defence Submission'),¹³ the Common Legal Representative of the former child soldiers ('CLR1') ('CLR1 Submission'),¹⁴ and the Common Legal Representative of the victims of the attacks

⁶ As noted in the Order, the universe of victims includes: (i) all victims who participated in the trial proceedings, including those found not to be eligible by the Registry, but excluding the individuals who also qualify as victims in the *Lubanga* case and all 69 victims already found eligible for the IDIP purposes, as the later will be necessarily assessed and not randomly selected; and ii) all non-participating victims who have already submitted long forms to the Registry within the context of the mapping exercise. Order, [ICC-01/04-02/06-2786](#), paras 26-27 and footnote 67.

⁷ Order, [ICC-01/04-02/06-2786](#), para. 34(a)-(b).

⁸ Order, [ICC-01/04-02/06-2786](#), para. 34(d).

⁹ Order, [ICC-01/04-02/06-2786](#), para. 34(e).

¹⁰ E-mail from VPRS to Trial Chamber II, 2 November 2022, at 11:05.

¹¹ E-mail from Trial Chamber II to VPRS, parties and participants, 2 November 2022, at 13:19.

¹² Registry submission in compliance with the "Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled 'Reparations Order'" (ICC-01/04-02/06-2786) ('Registry Submission') (With two confidential *ex parte* annexes only available to the Registry), 8 November 2022, [ICC-01/04-02/06-2788](#).

¹³ Submissions on behalf of the Convicted Person on the procedure for the constitution of the sample established by the Implementation Order ('Defence Submission'), 9 November 2022, [ICC-01/04-02/06-2791](#), with Public Annex I, [ICC-01/04-02/06-2791-AnxI](#).

¹⁴ Common Legal Representative of the Former Child Soldiers' Submissions pursuant to the "Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled 'Reparations Order'", 9 November 2022, ICC-01/04-02/06-2790-Conf (public redacted version filed on 14 November 2022, [ICC-01/04-02/06-2790-Red](#)) ('CLR1 Submission').

(‘CLR2’) (‘CLR2 Submission’),¹⁵ referring to the substance, methodology, and procedure for the constitution of the sample and the introduction of further information and observations; on redactions; and, on other issues.

II. ANALYSIS

7. At the outset, the Chamber notes that in its Submissions,¹⁶ the Defence reiterates arguments concerning the IDIP that were previously raised and dealt with in the context of the Order¹⁷ and in the recent Decision on the TFV’s Sixth and Seventh Update Reports on the IDIP,¹⁸ which are both final as no leave to appeal was submitted. The Chamber refers to its previous decisions in this regard and will not entertain further the Defence’s submissions in the context of the present Decision.

8. In light of the above, in what follows, the Chamber will consider the remainder of matters relevant to the sample exercise and other issues raised in the Registry and the parties Submissions, namely: a) the representativeness of the assembled sample; b) issues of redactions; c) scheduling and procedural issues; and d) further submissions and information relevant to the determination of the estimated total number of potential beneficiaries of reparations.

a) Representativeness of the assembled sample

i. Submissions and analysis

9. The Chamber recalls that in the Order it indicated that, with the purpose of ensuring that the sample is sufficiently representative, it should be constituted, in addition to the 69 victims already found to be eligible for the purposes of the IDIP by the TFV, with further victims applications randomly selected by the Registry from the universe of victims.¹⁹ The Chamber reiterates that the criteria and methodology used to compile the sample and ensure its representativeness was informed by the Court’s previous cases, other national and international jurisdictions, and the previous sample assembled by the Registry.²⁰

¹⁵ Submissions of the Common Legal Representative of the Victims of the Attacks pursuant to the “Order for the implementation of the Judgement on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled “Reparations Order””, 9 November 2022, [ICC-01/04-02/06-2789](#) (‘CLR2 Submission’).

¹⁶ Defence Submission, [ICC-01/04-02/06-2791](#), paras 12-15.

¹⁷ Order, [ICC-01/04-02/06-2786](#), paras 17-21.

¹⁸ Decision on the TFV’s Sixth and Seventh Update Reports on the Implementation of the Initial Draft Implementation Plan, 16 November 2022, ICC-01/04-02/06-2792-Conf, paras 8-10.

¹⁹ Order, [ICC-01/04-02/06-2786](#), para. 27.

²⁰ Order, [ICC-01/04-02/06-2786](#), paras 27-32.

10. Both Legal Representatives of Victims (‘LRVs’) agree with the methodology adopted for the constitution of the sample.²¹ They also agree with the need to act expeditiously and comply with the *do no harm* principle, avoiding having to ask victims to recount their narratives or collect further applications.²² The CLR1 further submits that the adopted criteria are fully responsive to the Appeals Judgment and sufficient to ensure representativeness of former child soldiers.²³ She also agrees with excluding from the universe those victims already admitted in the *Lubanga* case.²⁴

11. The Defence argues that ‘the procedure for the constitution of the sample is flawed and that as a result, the sample aimed to be created would not be representative, whether from a quantitative or qualitative point of view’.²⁵ From a quantitative point of view, the Defence submits, the sample must allow to draw conclusions with a sufficient degree of certainty as to how many potential victims of the case would be eligible for reparations.²⁶ The Defence further argues that, to be representative from a qualitative point of view, the sample must include potential victims in the case representing at a minimum the characteristics likely to impact the costs of reparations, including, nature of the crimes, locations, and types of harm.²⁷ In support of its arguments, the Defence makes further submissions regarding the alleged inadequacy of the composition of the sample,²⁸ its size,²⁹ and the proposed sample method.³⁰

12. Firstly, regarding the Defence’s submissions as to the **composition of the sample**, the Chamber clarifies that it has decided to assemble and rule upon one single sample and not two, as understood by the Defence.³¹ The Chamber notes that the Defence challenges the current exercise arguing that the sample was assembled while ‘no figures are advanced regarding the actual or estimated total number of potential victims in this case’,³² indicating that it would constitute ‘a marked departure from the other cases referred to by the Trial Chamber’.³³ The Defence submits that in the *Lubanga* case ‘the number of potential child soldier victims was estimated to be close to 3000’ while in the class action against the estate of Ferdinand Marcos,

²¹ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 15; CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 11.

²² CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 17; CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 12.

²³ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 15.

²⁴ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 16.

²⁵ Defence Submission, [ICC-01/04-02/06-2791](#), para. 16.

²⁶ Defence Submission, [ICC-01/04-02/06-2791](#), para. 17.

²⁷ Defence Submission, [ICC-01/04-02/06-2791](#), para. 18.

²⁸ Defence Submission, [ICC-01/04-02/06-2791](#), paras 23-32.

²⁹ Defence Submission, [ICC-01/04-02/06-2791](#), paras 33-36.

³⁰ Defence Submission, [ICC-01/04-02/06-2791](#), paras 37-41.

³¹ Defence Submission, [ICC-01/04-02/06-2791](#), para. 23.

³² Defence Submission, [ICC-01/04-02/06-2791](#), para. 23.

³³ Defence Submission, [ICC-01/04-02/06-2791](#), para. 24.

the total number of potential victims ‘was assessed to be 9541’.³⁴ Hence, it argues, ‘*the size of the universe or population of potential victims from which the sample was established was known, contrary to the present situation*’.³⁵

13. The Chamber rejects this challenge as it is based on a misrepresentation of the facts and an apparent misunderstanding of the reasons for the constitution of a sample in the current circumstances. As to the former, the Chamber notes that it is not correct to affirm that in the *Lubanga* case the size of the universe was known at the time the sample was constituted. In effect, as noted in the Order, after conducting the victims’ identification, the Chamber, as composed at the time (the ‘*Lubanga* chamber’), decided to assess *all* 473 dossiers of potential victims it had received during the reparations phase.³⁶ Only after assessing all dossiers and additional evidence, the *Lubanga* chamber concluded that the figure of 3,000 potentially eligible victims proposed by the TFV, among the very different estimations put forward by each of the parties and the TFV,³⁷ proved to be ‘fairly close’ to the results of the calculations made by the *Lubanga* chamber.³⁸ Nevertheless, the *Lubanga* chamber clearly stated its conclusion that ‘along with the 425 victims [found eligible] in the sample, hundreds and possibly thousands more victims were affected by the crimes of which Mr Lubanga was convicted’.³⁹

14. As to the latter, indeed the number of claims in the class action against the estate of Ferdinand Marcos were known at the time the sample was made, but the purpose of the sample and the reasons to have assembled it in the present case are markedly different. In the Marcos case, and indeed also the United Nations Compensation Commission (‘UNCC’), as noted in the Order, the sample was made precisely to *process the claims already received* and calculate the adequate compensation.⁴⁰ The Chamber further notes that these cases were referred to by the Chamber as a support of the *criteria to ensure that the sample is sufficiently representative*, not for the purpose for which the sample was constituted. In effect, in this case, as noted in the

³⁴ Defence Submission, [ICC-01/04-02/06-2791](#), para. 24.

³⁵ Defence Submission, [ICC-01/04-02/06-2791](#), para. 24.

³⁶ Order, [ICC-01/04-02/06-2786](#), para. 28, referring to Trial Chamber II, *The 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* Decision on the Size of the Reparations Award’), 21 December 2017, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 36; and Decision on the Motion of the Office of Public Counsel for Victims for Reconsideration of the Decision of 6 April 2017, [ICC-01/04-01/06-3338-tENG](#), 13 July 2017, para. 10.

³⁷ *Lubanga* Decision on the Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 201.

³⁸ Annex III to the *Lubanga* Decision on the Size of the Reparations Award, ‘Summary Table of Variants Derived from Information Collected From the Public Domain and Other Sources’, [ICC-01/04-01/06-3379-AnxIII-tENG](#), p. 19.

³⁹ *Lubanga* Decision on the Size of the Reparations Award, [ICC-01/04-01/06-3379-Red-Corr-tENG](#), para. 244.

⁴⁰ Order, [ICC-01/04-02/06-2786](#), para. 29 and footnotes 51, 53.

Order, the sample was assembled in order to implement the Appeals Judgment that precisely indicated that *in considering the matter of the number of beneficiaries* and the amount of the award, the Chamber should take ‘at least a sample of applications into account’.⁴¹

15. The Defence further argues that the removal of the victims found eligible for the IDIP purposes from the universe of victims from where the remaining of the sample was randomly selected, and its inclusion directly in the sample, is problematic because their representation will be out of proportion, what will impact the quantitative conclusions that can be drawn from the sample.⁴² The Chamber rejects this challenge as it is, once again, based on a misunderstanding of the current sample exercise. Following the *Lubanga* case experience, where the sample was composed of *all* applications received during the process of identification conducted in the reparations stage, the Chamber deemed it adequate that, as a starting point, all victims already found eligible to benefit from reparations in the present case should be included in the sample. However, in order to ensure that the sample was as representative as possible, the Chamber decided to *complement* the *Lubanga* experience and *add* to the sample of victims already found eligible for the IDIP purposes, an additional 5% of the universe of victims, which the Chamber deemed appropriate to randomly select, precisely to ensure an unbiased representation of the entire universe of potential victims in the sample.

16. The Defence also challenges the inclusion of the participating victims previously determined not to be eligible for reparations by the Registry within the universe of victims from where the remaining of the sample was randomly selected, arguing that it will necessarily impact the quantitative conclusions that can be drawn from the sample.⁴³ On this point, the Chamber notes that the victims estimated to be outside the scope of the conviction by the Registry were included within the universe of victims by the Chamber precisely to protect the rights of the convicted person. In effect, the Chamber had not delegated eligibility assessments into the Registry and because the purpose of the sample is not only to calculate the adequate compensation of victims (like in the Marcos and UNCC cases) but also to help the Chamber project results to estimate the potential number of beneficiaries, the Chamber considered necessary to avoid the possible bias that could result from constituting a sample of only victims that would likely be entitled to reparations in the case. In the view of the Chamber, the rights of the convicted person are better protected if the number of potential beneficiaries and the

⁴¹ Order, [ICC-01/04-02/06-2786](#), para. 4 [emphasis added], referring to Appeals Judgment, [ICC-01/04-02/06-2782](#), para. 346, footnote 732.

⁴² Defence Submission, [ICC-01/04-02/06-2791](#), paras 25-26, 29.

⁴³ Defence Submission, [ICC-01/04-02/06-2791](#), para. 27.

amount of the liability are calculated based, among other evidence, on the analysis of a sample taken from the ‘universe of potential victims’, meaning individuals that are likely to come forward and request reparations in the present case, which may or may not include individuals that actually qualify as beneficiaries of reparations in the present case. Accordingly, this Defence’s challenge is rejected.

17. The Defence also complains regarding the universe of child soldiers victims indicating that participating child soldiers also include victims who qualify for reparations in the *Lubanga* case.⁴⁴ On this point, the Chamber fails to understand the Defence’s submission as, indeed because the *Lubanga* chamber already ruled on a sample of these applications, all overlapping victims have effectively been excluded from the current sample in the Ntaganda case.⁴⁵ Accordingly, this Defence’s challenge is rejected.

18. Lastly, regarding the composition of the sample, the Defence submits that the breakdown of new potential victims and split between new potential victims of the attacks and child soldiers should be disclosed, as well as the figure of participating child soldiers who also qualify for reparations in the *Lubanga* case.⁴⁶ The Chamber agrees that all this information should be provided to the Defence, and indeed it has been disclosed by the Registry in its Submissions.⁴⁷

19. Secondly, regarding the **size the sample**, the Defence argues that, from a quantitative point of view drawing 5% of the victims applications is insufficient to draw conclusions with a sufficient degree of certainty.⁴⁸ From a qualitative point of view, the Defence submits that, taking into consideration the number of important characteristics covering the entire group of potential beneficiaries, a 5% is insufficient to be representative of all characteristics.⁴⁹ The Defence further states that giving the Defence an opportunity to analyse and make submissions in relation to a limited sample is insufficient to enforce the right of the convicted person to participate meaningful in the eligibility determination process.⁵⁰

20. The Chamber disagrees with the Defence’s submissions on this point. As noted in the Order,⁵¹ technically speaking, there is no sample size that can fully ensure representativeness.

⁴⁴ Defence Submission, [ICC-01/04-02/06-2791](#), para. 30.

⁴⁵ Order, [ICC-01/04-02/06-2786](#), paras 24, 26, footnote 67.

⁴⁶ Defence Submission, [ICC-01/04-02/06-2791](#), paras 23, 28, 31-32.

⁴⁷ Registry Submission, [ICC-01/04-02/06-2788](#), para 14.

⁴⁸ Defence Submission, [ICC-01/04-02/06-2791](#), para. 34.

⁴⁹ Defence Submission, [ICC-01/04-02/06-2791](#), para. 35.

⁵⁰ Defence Submission, [ICC-01/04-02/06-2791](#), para. 36.

⁵¹ Order, [ICC-01/04-02/06-2786](#), footnote 70.

The size of the present sample – which, as detailed, is more than 5% of the currently known potential beneficiaries, as it also includes all 69 victims already found eligible by the TFV – has been estimated considering a number of factors including, among others, a tolerable margin of error. However, it emerges from the Defence’s submissions that no sample size would have ever been considered satisfactory from their perspective. No reasonable alternative has been provided by the Defence allowing the Chamber to take it into consideration regarding the size of the sample. In effect, the Defence supports its submissions with a document that argues that ‘[t]he *only way* to develop measures on the total number of cases (beyond the 2121 cases known) is to be able to rely on sufficiently *large quantitative estimates for the entire population* and to *have the ability to randomly survey the entire population*’.⁵² Considering the need to act expeditiously⁵³ and the security situation on the ground – which the Defence has repeatedly stressed in light of its ‘broad impact’⁵⁴ – the Chamber underlines the total impossibility, in the current circumstances, to survey the entire population within a reasonable time. Accordingly, this Defence’s challenge is rejected. Nevertheless, as it will be described in detail below, the Chamber is fully satisfied that, from a quantitative and a qualitative point of view, the assembled sample is sufficiently representative of the universe of potential victims in the case.

21. Finally, regarding the **proposed sampling method**, the Defence recalls the previous sample prepared by the Registry and submits that, although it did take an issue with the vulnerability as an applicable *stratum* and complained as to its lack of access to the victims applications, it neither opposed the stratified random sample method, in general, nor the use of subgroups.⁵⁵ Regarding the simple random sampling method chosen by the Chamber, after the division of the potential victims in two groups, the Defence submits that – although the method *can be advantageous, since the random selection of applications is automated and independent* – it requires a larger sample to be representative and the appropriate size should be determined by taking into account the number of potential victims who meet each of the characteristics or sub-groups.⁵⁶

22. Regarding the size of the sample, the Chamber reiterates its considerations as noted in the previous paragraphs. As to the use of further *strata*, the Chamber reiterates that it has chosen

⁵² Annex I Defence Submission, [ICC-01/04-02/06-2791-AnxI](#), p. 7 [emphasis added].

⁵³ Appeals Judgment, [ICC-01/04-02/06-2782](#), paras 756, 758.

⁵⁴ See, *inter alia*, Observations on behalf of the convicted person on the Trust Fund for Victims’ Sixth Update Report on the Implementation of the Initial Draft Implementation Plan, 5 August 2022, ICC-01/04-02/06-2780-Conf (public redacted version filed on 26 August 2022, [ICC-01/04-02/06-2780-Red](#)), para. 7.

⁵⁵ Defence Submission, [ICC-01/04-02/06-2791](#), paras 37-39.

⁵⁶ Defence Submission, [ICC-01/04-02/06-2791](#), paras 40-41 [emphasis added].

the simple random sampling method for its suitability to avoid subjective bias in the selection process and thus guarantee better representation of the universe of potential beneficiaries. In the view of the Chamber, adding *strata* like crimes or locations would have implied a delegation of the power to determine eligibility into the Registry – as in order for the victims to have been included in each *stratum* the alleged crimes and locations would have had to fit within the scope of the conviction – and it risked imposing an arbitrary additional weight to certain crimes and/or locations. Accordingly, this Defence’s challenge is also rejected.

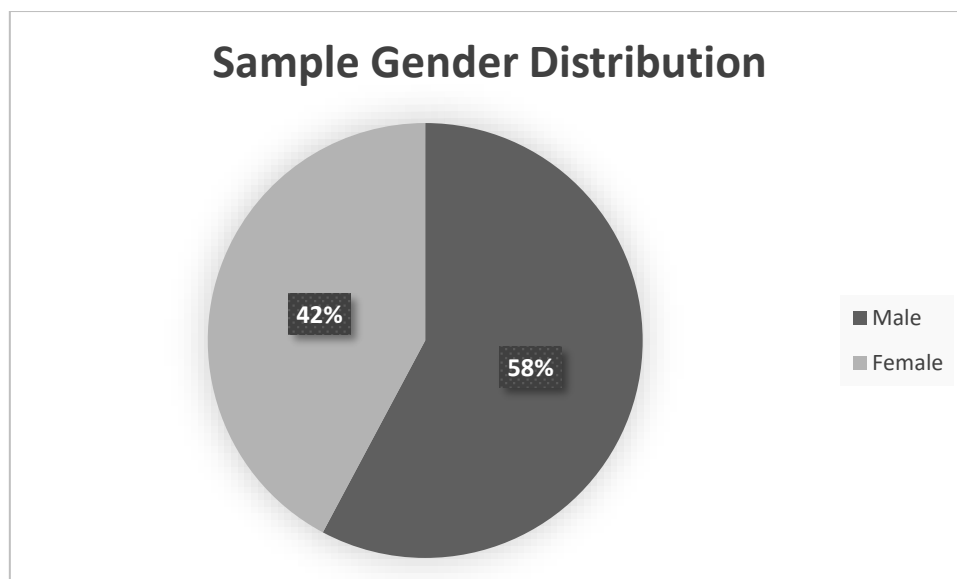
ii. Conclusions regarding the representativeness of the assembled sample

23. The Chamber notes that in the Order it instructed the VPRS to transmit to the Chamber only, in the first instance, the list of individuals included in the sample and all details compiled in relation to them by the Registry in their databases.⁵⁷ The Chamber gave the above instruction with the view of independently assessing the representativeness of the sample, based on its in-depth knowledge of the terms of the conviction and the case file. Having assessed the resulting composition of the assembled sample, the Chamber is satisfied that the results of the exercise it envisaged in the Order yield a sample that it is indeed sufficiently representative of the ‘universe of potential victims’, meaning the individuals that are likely to come forward and request reparations in the present case, allowing the Chamber to reach statistically valid conclusions as to the victims actually entitled to benefit from reparations as a result of the crimes for which Mr Ntaganda was convicted.

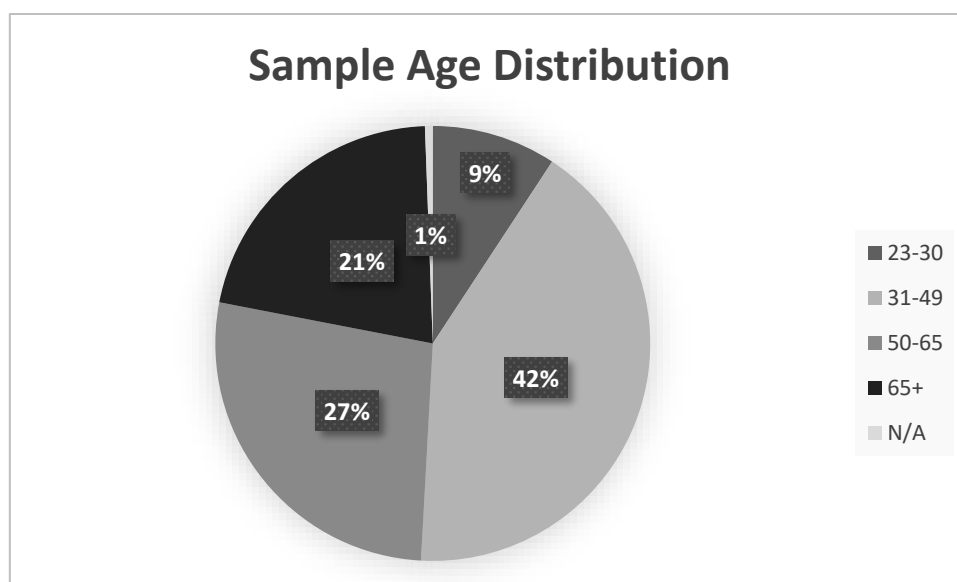
24. In effect, the Chamber is fully satisfied that the assembled sample of 173 victims, as listed in Annex 1 to the present Decision, is sufficiently representative of the universe of potential victims as regards gender, age, alleged harm, alleged crimes, and alleged locations where the crimes would have occurred. To be precise, having analysed the sample, the Chamber notes that:

i) both genders are proportionally represented in the assembled sample, with 100 male, representing 58% of the sample; and 73 female, representing 42% of the sample;

⁵⁷ Order, [ICC-01/04-02/06-2786](#), para. 34(d)



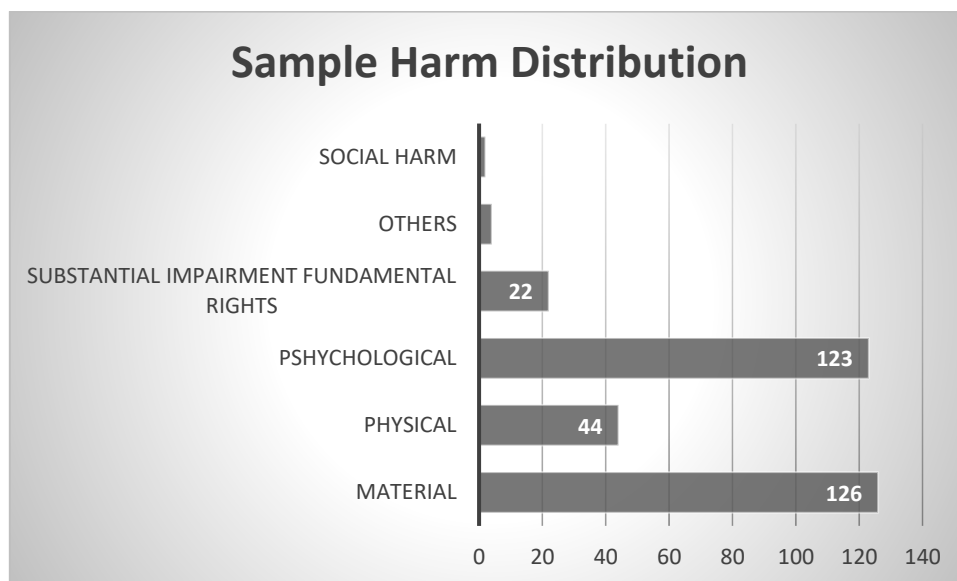
ii) most age groups are proportionally represented in the assembled sample, with: (i) 16 victims currently between 23 and 30 years of age, representing 9.2% of the sample; (ii) 72 victims currently between 31 and 49 years of age, representing 41.6% of the sample; (iii) 47 victims currently between 50 and 65 years of age, representing 27.3% of the sample; (iv) 37 victims currently above 65 years, representing 21.3% of the sample; and (v) one victim whose age is not reported in the information initially provided to the Chamber;



iii) all types of harms allegedly suffered by the victims, as also identified in the Reparations Order,⁵⁸ are proportionally represented in the assembled sample, noting that most victims

⁵⁸ Reparations Order, [ICC-01/04-02/06-2659](#), para. 183. The Chamber also recalls that according to the Court's jurisprudence, the main categories of harm are material, physical, and/or psychological, while keeping in mind that when assessing the extent of harm suffered by victims, various permutations and combinations of different layers of the aforementioned types of harm are possible. *See* Reparations Order, [ICC-01/04-02/06-2659](#), paras 68,

allege to have suffered more than one type of harm, with: (i) 126 victims alleging to have suffered material harm, representing 72.8% of the sample; (ii) 123 victims alleging to have suffered psychological harm, representing 71% of the sample; (iii) 44 victims alleging to have suffered physical harm, representing 25.4% of the sample; (iv) 22 victims alleging to have suffered substantial impairment of fundamental rights, representing 12.7% of the sample; (v) 2 victims alleging to have suffered social harm, representing 1.1% of the sample; and (vi) 4 victims alleging to have suffered other type of harm, representing 2.3% of the sample;



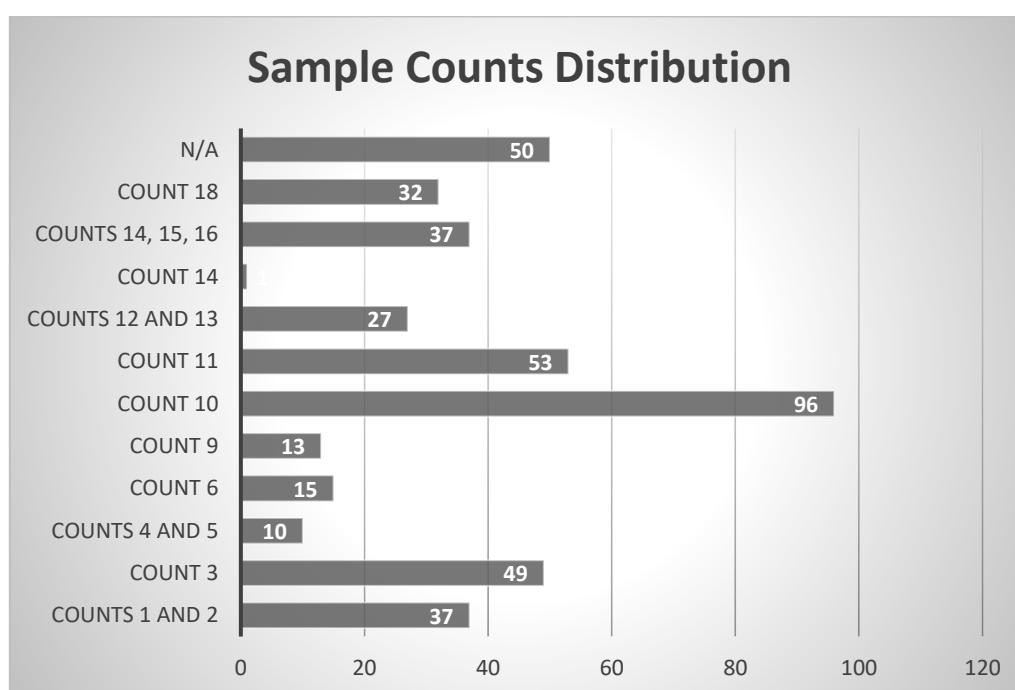
iv) all types of crimes⁵⁹ the victims allege to have suffered from, which represent most of the counts for which Mr Ntaganda was convicted,⁶⁰ are also proportionally represented in the assembled sample, noting that most victims allege to have suffered from more than one crime, including: (i) counts 1 and 2 (murder and attempted murder) alleged by 37 victims, representing 21.3% of the sample; (ii) count 3 (attacks against civilians) alleged by 49 victims, representing 28.3% of the sample; (iii) counts 4 and 5 (rape of victims of the attacks) alleged by 10 victims,

71; Appeals Chamber, *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](#), Annex A, Order for Reparations (amended), [ICC-01/04-01/06-3129-AnxA](#), para. 10.

⁵⁹ Noting that the information collected by the Registry in its databases links the victims with 562 alleged types of crimes, the Chamber stresses that it will only be able to verify the information and therefore, the possible victims’ eligibility once the applications are assessed and ruled upon. The Chamber also specifies that the percentages included in this subparagraph (iv) are approximates.

⁶⁰ See Judgment, 8 July 2019, [ICC-01/04-02/06-2359](#) (with Annexes A, B, and C), disposition. The Chamber notes that the sample did not yield results for Counts 7 and 8, which correspond to the specific conviction for the crime of sexual slavery as a crime against humanity and as a war crime of two victims of the attacks, and Count 17, which correspond to the specific conviction for the crime of internationally directing attacks against protected object as a war crime, specifically of the health centre in Sayo. As such, the Chamber does not consider that this affects the representativeness of the sample, see Reparations Order, [ICC-01/04-02/06-2659](#), paras 112, 116.

representing 5.7% of the sample; (iv) count 6 (rape of child soldiers) alleged by 15 victims, representing 8.6% of the sample; (v) count 9 (sexual slavery of child soldiers) alleged by 13 victims, representing 7.5% of the sample; (vi) count 10 (persecution) alleged by 96 victims, representing 55.4% of the sample; (vii) count 11 (pillage) alleged by 53 victims, representing 30.6% of the sample; (viii) counts 12 and 13 (forcible transfer, deportation, and displacement) alleged by 27 victims, representing 15.6% of the sample; count 14 (conscription of child soldiers) alleged by 1 victim, representing 0.5% of the sample; (ix) counts 14, 15 and 16 (conscription, enlistment, and use of child soldiers) all together alleged by 37 victims, representing 21.3% of the sample; (x) count 18 (destruction of property) alleged by 32 victims, representing 18.4% of the sample; and (xi) other crimes, alleged by 50 victims, representing 28.9% of the sample;



v) all locations⁶¹ where the victims allege to have suffered the crimes, which represent almost all locations included in the counts for which Mr Ntaganda was convicted,⁶² are also

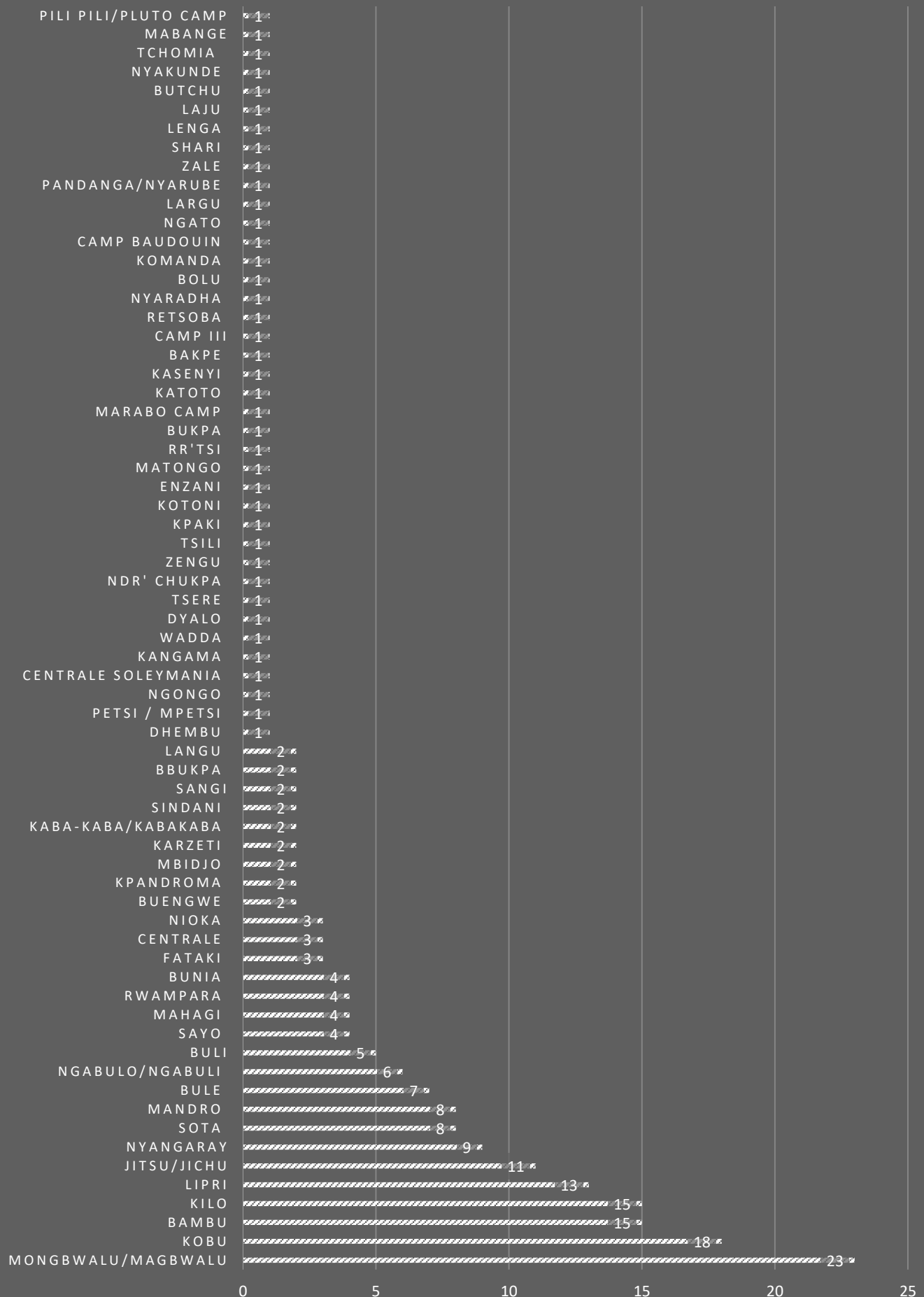
⁶¹ Noting that the information collected by the Registry in its databases links the victims with 67 locations where crimes are alleged to have been committed, the Chamber stresses that it will only be able to verify the information and, therefore, the possible victims' eligibility, once the applications are assessed and ruled upon. The Chamber also specifies that the percentages included in this subparagraph (v) are only approximates.

⁶² In particular, the Chamber notes that 13 of the 15 crimes locations, as specified in the Reparations Order, are proportionally represented in the assembled sample: Mongbwali, referred to by 23 victims, representing 13.2% of the sample; Kobu, referred to by 18 victims, representing 10.4% of the sample; Bambu and Kilo, referred to by 15 victims each, representing 8.6% of the sample; Lipri, referred to by 13 victims, representing 7.5% of the sample; Jitsu/Jichu, referred to by 11 victims, representing 6.3% of the sample; Nyangaray, referred to by 9 victims, representing 5.2% of the sample; Bule, referred to by 7 victims, representing 4% of the sample; Buli, referred to by 5 victims, representing 2.8% of the sample; Sayo and Bunia, referred to by 4 victims, representing

proportionally represented in the assembled sample, noting that some victims allege to have suffered crimes in more than one location, including: (i) Mongbwalu, referred to by 23 victims, representing 13.2% of the sample; (ii) Kobu, referred to by 18 victims, representing 10.4% of the sample; (iii) Bambu and Kilo referred to by 15 victims each, representing 8.6% of the sample; (iv) Lipri, referred to by 13 victims, representing 7.5% of the sample; (v) Jitsu/Jichu, referred to by 11 victims, representing 6.3% of the sample; (vi) Nyangaray, referred to by 9 victims, representing 5.2% of the sample; (vii) Sota and Mandro, referred to by 8 victims each, representing 4.6% of the sample; (viii) Bule, referred to by 7 victims, representing 4% of the sample; (ix) Ngabulo/Ngabuli, referred to by 6 victims, representing 3.4% of the sample; (x) Buli, referred to by 5 victims, representing 2.8% of the sample; (xi) Sayo, Mahagi, Rwampara, and Bunia referred to by 4 victims each, representing 2.3% of the sample; (xii) Fataki, Centrale, and Nioka, referred to by 3 victims each, representing 1.7% of the sample; (xiii) Buengwe, Kpandroma, Mbidjo, Karzeti, Kaba-kaba/Kabakaba, Sindani, Sangi, Bbukpa, and Langu referred to by 2 victims each, representing 1.1% of the sample; and (xiv) Dhembu, Petsi / Mpetsi, Ngongo, Centrale Soleymania, Kangama, Wadda, Dyalo, Tsere, Ndr' Chukpa, Zengu, Tsili, Kpaki, Kotoni, Enzani, Matongo, Rr'tsi, Bukpa, Marabo camp, Katoto, Kasenyi, Bakpe, Camp III, Retsoba, Nyaradha, Bolu, Komanda, Camp Baudouin, Ngato, Largu, Pandanga/Nyarube, Zale, Shari, Lenga, Laju, Butchu, Nyakunde, Tchomia, Mabange, and Pili Pili/Pluto Camp referred to by 1 victim each, representing 0.5% of the sample.

2.3% of the sample; Sangi, referred to by 2 victims, representing 1.1% of the sample; Tsili referred to by 1 victim, representing 0.5% of the sample. *See* Reparations Order, [ICC-01/04-02/06-2659](#), paras 109-119. The Chamber further notes that the sample did not yield results only for Nzebi and Gola, referred to in Counts 1 and 2, specifically in relation to the murder, *inter alia*, of two Lendu persons in Nzebi; and Count 10, specifically for underlying acts of persecution, *inter alia*, in Nzebi and Gola. Regarding, Nzebi, the Judgment highlights the deprivation of fundamental rights of *one or more* individuals while the village was taken by the UPC/FPLC. In the case of Gola, the rights deprivation comprised as well the capture of some Lendu people, who posteriorly were murdered in a banana plantation in Kobu. As such, the Chamber does not consider that the absence of these two locations affects the representativeness of the sample, *see* Reparations Order, [ICC-01/04-02/06-2659](#), para. 109, footnote 292 and para. 113, footnote 312; Judgement, [ICC-01/04-02/06-2359](#), paras 990, 994, 997, 999, 1005-1008, 1022, 1063

SAMPLE LOCATION DISTRIBUTION



b) Issues of redactions

25. In its Order, the Chamber established the procedure applicable to the redactions to be applied by the Registry to the victims' dossiers – meaning applications for participation/joint forms/long forms, additional information and/or supporting documentation – prior to transmitting the redacted versions to the parties.⁶³ The Chamber instructed the Registry to redact any identifying information, noting that any information relating to the description of the harm suffered, the events that caused the harm, and the link between such harm and the crimes of which Mr Ntaganda has been convicted, should not be redacted, except for information that might reveal the identities of victims, current residence or other contact information that may be used to locate the victims.⁶⁴

26. In their submissions, the LRVs agree with the redactions procedure established by the Chamber.⁶⁵ The CLR1 submits that upon being contacted by the Registry on the issue of redactions, she invited the Registry to limit the redactions to the regime set forth in the Order, avoiding applying excessive redactions.⁶⁶ According to the CLR1, this approach will permit a focused and swift litigation, avoiding further delays in the award of reparations.⁶⁷ The CLR2 submits that only the Defence should receive redacted dossiers, indicating that the LRVs already have in their possession unredacted dossiers of their respective clients.⁶⁸ In addition, both LRVs submit that, should any non-participating victims be selected as part of the sample, they should be provided with the respective dossiers of the concerned victims with no redactions, so as to be able to provide support and assistance to these victims, in accordance with the Chamber's instructions.⁶⁹

27. Having considered the submissions above, the Chamber agrees with the LRVs that they should receive the unredacted dossiers of their respective clients. Accordingly, the Chamber hereby instructs the VPRS to transmit by Monday, 28 November 2022, to each of the LRVs the unredacted dossiers of the victims they represent and of the non-participating victims that they should provide support and assistance in accordance with the Order.⁷⁰

⁶³ Order, [ICC-01/04-02/06-2786](#), para. 34(f).

⁶⁴ Order, [ICC-01/04-02/06-2786](#), paras 35-36.

⁶⁵ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 11; CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 17.

⁶⁶ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 11.

⁶⁷ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 11.

⁶⁸ CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 17.

⁶⁹ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 30; CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 17.

⁷⁰ Order, [ICC-01/04-02/06-2786](#), para. 34(i).

28. In its submissions, the Defence disagrees with several aspects related to redactions.⁷¹ First, it argues that the redactions procedure is at odds with the procedure at the same phase in the *Lubanga* case, where the redactions were limited to current residence or other contact information that might disclose the location of the victims, but that identities were not redacted if the victims ‘have consented to the disclosure of such information to the Defence’.⁷² Second, the Defence takes issue with the redactions protocol relied upon by the Chamber, noting that it was drafted at a different time, in a different phase of the case, with a different goal and protection concerns in mind, and in the context of contentious proceedings.⁷³ Accordingly, the Defence submits that, in the current phase of the proceedings, victims’ identities should be transmitted to the Defence, if the victims themselves have consented to this disclosure, which would then enable the Defence to examine the eligibility of victims and the reliability of their claims.⁷⁴ Finally, by referring to the Chamber’s invitation in the Order for the parties to raise any issues relating to redactions, the Defence requests a clear mechanism for the resolution of disputes related to redactions, and its ability to seek the Chamber’s adjudication on these issues, particularly in the event that the Defence considers that the extent of the VPRS’ redactions exceed those necessary and interfere with the ability of the Defence to meaningfully review the victims’ applications.⁷⁵

29. As to the alleged difference with the *Lubanga* case and the possibility for the identities of victims to be transmitted to the Defence if they have consented to the disclosure of such information, the Chamber recalls that the victims’ security concerns are always paramount.⁷⁶ However, the Chamber does not, in principle, disagree with the Defence receiving such information for as long as the victims have consented to their identities being disclosed to the Defence. Consequently, the Chamber directs the LRVs, to consult with the victims they represent and those to whom they should provide support and assistance in accordance with the Order,⁷⁷ as to whether they would consent that their identities are disclosed to the Defence. The LRVs are instructed to indicate, whether any of the victims that they represent or support

⁷¹ Defence Submission, [ICC-01/04-02/06-2791](#), paras 47-55.

⁷² Defence Submission, [ICC-01/04-02/06-2791](#), para. 49.

⁷³ Defence Submission, [ICC-01/04-02/06-2791](#), paras 50, 52.

⁷⁴ Defence Submission, [ICC-01/04-02/06-2791](#), para. 51, 53-54.

⁷⁵ Defence Submission, [ICC-01/04-02/06-2791](#), para. 55.

⁷⁶ See, Trial Chamber II, *The Prosecutor v. Thomas Lubanga Dyilo*, Order for the Transmission of the Application Files of Victims who may be Eligible for Reparations to The Defence Team of Thomas Lubanga Dyilo, 22 February 2017, [ICC-01/04-01/06-3275-tENG](#), para. 16. See also First submission of victim dossiers (With Twelve confidential, ex parte annexes, available to the Registrar, and Legal Representatives of Victims V01 only), 31 May 2016, [ICC-01/04-01/06-3208](#), paras 67-73.

⁷⁷ Order, [ICC-01/04-02/06-2786](#), para. 34(i).

and have been included in the sample, have consented to their identities being disclosed to the Defence. If the victims have provided their consent to their identities being disclosed to the Defence, the Registry should proceed to redact from the victims' dossiers *only* the information that might reveal the current residence or other contact information that may be used to locate the victims.

30. Regarding the mechanism for the resolution of disputes related to redactions, the Chamber underlines that the redactions procedure as established in the Order and further complemented in the present decision is authoritative. In order to strike a balance between the need to provide for an appropriate measure of protection for the victims, as set forth in article 68(1) of the Statute, and safeguarding the rights of the Defence, the Chamber established in its Order a fair redactions procedure whereby *only* the information that might reveal the identities of victims, current residence or other contact information that may be used to locate the victims should be redacted, and *not* information relating to the description of the harm suffered, the events that caused the harm, and the link between such harm and the crimes of which Mr Ntaganda has been convicted.⁷⁸ As detailed in the paragraph above, if the victims consent to their identities being disclosed to the Defence, the Registry should proceed to redact from the victims' dossiers *only* the information that might reveal the current residence or other contact information that may be used to locate the victims. These provisions confer the appropriate protection for the victims' while enabling the Defence to meaningfully challenge the victims' eligibility, and ensure that only victims having suffered harm as a result of the crimes for which Mr Ntaganda was convicted are entitled to receive reparations. In light of the above, the Chamber reiterates its instruction to the Registry, as supported by the LRVs to only apply uniformly to all victims' dossiers the limited redactions as detailed in the Order and in the present Decision. The Chamber further directs the Defence to raise any challenge it may have to the redactions applied directly with the VPRS, seizing the Chamber only exceptionally when no agreement can be reached.

c) Scheduling and procedural issues

31. Both LRVs agree with the scheduling and procedure detailed in the Order.⁷⁹ Without prejudice to her further observations, the CLR1 indicates that she does not anticipate that many applications of her clients will require supplementary information.⁸⁰ However, with respect to

⁷⁸ Order, [ICC-01/04-02/06-2786](#), para. 36.

⁷⁹ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 18; CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 13.

⁸⁰ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 19.

the victims of sexual and gender based crimes, the CLR1 recalls that the circumstances of the commission of the crimes, the time elapsed, and the resurgence of the conflict are such that victims are not in a position to produce documents in support of their claims and notes that it is not necessary for the standard of proof to be met.⁸¹

32. The CLR2 notes that, in light of the current challenges, he might be unable to reach all victims of the attacks included in the sample in order to complement their dossiers within the established deadlines, particularly the non-participating victims with whom he first needs to establish contact.⁸² For the purpose of expeditiousness, the CLR2 requests the Chamber to instruct the Registry to provide him with the information on the victims included in the sample, providing him with more time to reach the victims, review their dossiers and supplement them as necessary.⁸³ More generally and without prejudice to his further observations, the CLR2 recalls that the circumstances of the commission of the crimes, the time elapsed, and the resurgence of the conflict are such that the victims are overwhelmingly in no position to produce documents in support of their claims.⁸⁴

33. The Defence notes that it is unclear when it can expect to receive the victims' dossiers as well as the updated information from the LRVs and notes that redactions disputes could disrupt the time available to analyse the dossiers and make submissions.⁸⁵ In light of the above, and considering the upcoming winter recess, the Defence submits that it would like to ensure that it will be provided with sufficient time, while at the same time committing himself to fulfilling his responsibilities in a spirit of cooperation and to take the necessary measures to avoid unnecessary delays.⁸⁶

34. Having considered the submissions above detailed, the Chamber decides that the subsequent calendar after the approval of the assembled sample by the present Decision shall be as follows:

a. By Monday, 28 November 2022, the VPRS shall transmit to the corresponding LRVs and the Chamber the unredacted victims' dossiers included in the sample;

⁸¹ CLR1 Submission, [ICC-01/04-02/06-2790-Red](#), para. 20.

⁸² CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 14.

⁸³ CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 15.

⁸⁴ CLR2 Submission, [ICC-01/04-02/06-2789](#), para. 16.

⁸⁵ Defence Submission, [ICC-01/04-02/06-2791](#), paras 56-57.

⁸⁶ Defence Submission, [ICC-01/04-02/06-2791](#), paras 58-60.

- b. The LRVs shall immediately proceed to contact the victims they represent or assist and consult with them as to whether they consent to their identities being disclosed to the Defence;
- c. The LRVs shall subsequently inform about the victims' consent to the Defence and the VPRS, on a rolling basis and within thirty days from the notification of the present Decision at the latest, for the proper redactions to be implemented in the victims' dossiers;
- d. As soon as the VPRS has received the relevant information from the LRVs about the victims' consent for their identities to be transmitted to the Defence, the VPRS shall implement redactions to the victims' dossiers, in accordance with the criteria outlined in the Order and the present Decision, and should transmit the redacted victims' dossiers to the Defence, on a rolling basis and within thirty days from the date it receives the information about the victims' consent, at the latest;
- e. The LRVs will have thirty days from the last transmission of the victims' dossiers to the Defence to make submissions and complement the victims' dossiers, appending any additional supporting documentation within the meaning of rule 94(1)(g) of the Rules, attesting in particular the extent of the harm suffered and the causal link between the alleged harm and the crime committed, to the extent possible and necessary;
- f. Within the same timeframe as above, the TFV shall also provide the Chamber and the parties with any relevant information or documentation taken into account when reaching the administrative decision on the 69 victims already found eligible for the IDIP purposes;
- g. The LRVs and the TFV shall directly apply any redactions, in accordance with the criteria outlined in the Order and the present Decision, that may be required for the transmission to the Defence of the documents and information referred to in sub-paragraphs e. and f. above; and
- h. Afterwards, the Defence will have thirty days to make submissions on the victims' dossiers, before the Chamber rules on the sample of applications.

d) Further submissions and information relevant to the determination of the estimated total number of potential beneficiaries of reparations

35. The Chamber recalls the Appeals Judgment's finding that in order to determine the *number of potentially eligible victims* for reparations *and the liability award*, the Chamber ought to examine at least a sample of applications.⁸⁷ According to the Appeals Judgment, the examination of at least a sample of applications would assist, when combined with other

⁸⁷ Appeals Judgment, [ICC-01/04-02/06-2782](#), para. 346 [emphasis added].

information, evidence, and submissions, in establishing an *actual number of eligible victims*, based upon those individuals who are already known to the Chamber and it might assist in more concretely estimating a further number of currently unknown beneficiaries.⁸⁸

36. The Chamber notes that the Defence Submission indicates the Chamber's instructions on the procedure to be followed to assemble a representative sample of applications to be ruled upon is 'a laudable initiative'.⁸⁹ However, the Defence argues that the sample sought to be assembled would be of little assistance in determining the number of potentially eligible or actual victims of the case.⁹⁰ According to the Defence, the sample assembled would only allow to draw conclusions in relation to the existing universe of potential victims at this stage, as opposed to the total number of potential victims in the case.⁹¹ Consequently, the Defence submits that finding an appropriate and fair procedure to estimate the total number of potential victims in the case – based on hard and probative evidence, should be the priority at this stage.⁹²

37. The Chamber recalls that, in implementing the Appeals Judgment, it decided in the Order to rule on a sample of victims' applications which, added to the other evidence and submission in the record of the case, will constitute the basis to determine the number of potential beneficiaries and the amount of the award.⁹³ Notwithstanding the above, considering the Defence's submissions, and for the sake of completeness when estimating the number of potential beneficiaries and the amount of the award, the Chamber hereby directs the parties, the TFV, the Registry, and the Office of the Prosecutor, to further complement their submissions due within sixty days from the notification of the Order, providing any additional information or documentation they might have as to the estimated total number of potential beneficiaries of reparations in the present case, along with an explanation of the methodology used to provide such estimate.⁹⁴

⁸⁸ Appeals Judgment, [ICC-01/04-02/06-2782](#), para. 346.

⁸⁹ Defence Submission, [ICC-01/04-02/06-2791](#), para. 44.

⁹⁰ Defence Submission, [ICC-01/04-02/06-2791](#), para. 44.

⁹¹ Defence Submission, [ICC-01/04-02/06-2791](#), para. 45.

⁹² Defence Submission, [ICC-01/04-02/06-2791](#), para. 46.

⁹³ Order, [ICC-01/04-02/06-2786](#), paras 4-34; *see also* Decision on the TFV's Sixth and Seventh Update Reports on the Implementation of the Initial Draft Implementation Plan, 16 November 2022, ICC-01/04-02/06-2792-Conf, para. 17.

⁹⁴ For a similar approach *see*, Order Instructing the Parties to File Submissions on the Evidence Admitted for the Determination of Thomas Lubanga Dyilo's Liability for Reparations, 13 July 2017, [ICC-01/04-01/06-3339-tENG](#), para. 11.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,

APPROVES the sample as assembled by the VPRS, and listed in Annex 1 to the present Decision, as sufficiently representative of the universe of potential victims in the case;

INSTRUCTS the VPRS to transmit the unredacted dossiers of the victims included in the sample, by Monday, 28 November 2022, to the Chamber and each respective LRVs, regarding the victims they represent and assist in accordance with the Order;

INSTRUCTS the LRVs to immediately proceed to contact the victims they represent or assist and consult with them as to whether they consent to their identities being disclosed to the Defence;

INSTRUCTS the LRVs to subsequently inform about the victims' consent to the Defence and the VPRS, on a rolling basis and within thirty days from the notification of the present Decision at the latest, for the proper redactions to be implemented in the victims' dossiers;

INSTRUCTS the VPRS as soon as receiving information about the victims' consent regarding their identities being transmitted to the Defence, to implement redactions to the victims' dossiers, in accordance with the criteria outlined in the Order and the present Decision, and transmit the redacted victims' dossiers to the Defence, on a rolling basis and within thirty days from the date it receives the information about the victims' consent, at the latest;

DIRECTS the Defence to raise any challenge it may have to the redactions applied directly with the VPRS, seizing the Chamber only exceptionally when no agreement can be reached;

INSTRUCTS the LRVs to make any submissions and complement the victims' dossiers, appending any additional supporting documentation within the meaning of rule 94(1)(g) of the Rules, attesting in particular the extent of the harm suffered and the causal link between the alleged harm and the crime committed, to the extent possible and necessary, within thirty days from the last transmission of the victims' dossiers to the Defence, at the latest;

INSTRUCTS the TFV to provide the Chamber and the parties with any relevant information or documentation taken into account when reaching the administrative decision on the 69 victims already found eligible for the IDIP purposes, within thirty days from the last transmission of the victims' dossiers to the Defence, at the latest;

INSTRUCTS the LRVs and the TFV to directly apply any redactions, in accordance with the criteria outlined in the Order and the present Decision, that may be required for the transmission to the Defence of the documents and information referred above;

INSTRUCTS the Defence to make submissions on the victims' dossiers, within thirty days from the notification of the LRVs submissions on the victims' dossiers, at the latest; and

DIRECTS the parties, the TFV, the Registry, and the Office of the Prosecutor, to further complement their submissions due within sixty days from the notification of the Order, providing any additional information or documentation they might have as to the estimated total number of potential beneficiaries of reparations in the present case, along with an explanation of the methodology used to provide such estimate.

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



Judge Chang-ho Chung, Presiding Judge



Judge Péter Kovács



Judge María del Socorro Flores Liera

Dated this Friday, 25 November 2022

At The Hague, The Netherlands