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

Date: 21 December 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 Two Confidential Lesser Redacted Annexes and
Two Public Lesser Redacted Annexes**

**Registry Transmission of Confidential Lesser Redacted Version and Public Lesser
Redacted Version of Two Reparation Experts' Reports**

Source: Registry

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

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Appointed Experts

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I. Introduction

1. On 25 October 2022, Trial Chamber II (“Chamber”) issued an “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”¹ (“Order”) in the case of *The Prosecutor v. Bosco Ntaganda* (“Case”). In the Order, the Chamber instructed the four experts appointed for the reparations proceedings in the Case (“Appointed Experts”), if available, to review the redactions to their respective reports on reparations (“Reports”),² indicating whether lesser redacted versions of the confidential and public redacted versions of their Reports can be filed, or to otherwise justify the need to maintain their current classification, within sixty days of the notification of the Order.³

2. The Registry hereby transmits, respectively, a confidential lesser redacted version and a public lesser redacted version of the two Reports.

¹ Trial Chamber II, “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”, 25 October 2022, [ICC-01/04-02/06-2786](#).

² The Registry notes that there are two Reports: (i) The first Report, entitled “Experts Report on Reparation” was notified on 2 November 2020 in confidential *ex parte* version (ICC-01/04-02/06-2623-Conf-Exp-Anx1) . On the same day a confidential redacted version was filed (ICC-01/04-02/06-2623-Conf-Anx1-Red) and on 3 November 2020 a public redacted version was filed (ICC-01/04-02/06-2623-Anx1-Red2). This Report was provided to the Chamber by the team of Appointed Experts composed of Karine Bonneau, Eric Mongo Malolo and Norbert Wühler; (ii) The second Report, entitled “Expert Report on Reparations for Victims of Rape, Sexual Slavery and Attacks on Healthcare” was notified on 2 November 2020 in confidential *ex parte* version (ICC-01/04-02/06-2623-Conf-Exp-Anx2) . On the same day a confidential redacted version was filed (ICC-01/04-02/06-2623-Conf-Anx2-Red) and on 3 November 2020 a public redacted version was filed (ICC-01/04-02/06-2623-Anx2-Red2). This Report was provided to the Chamber by Dr Sunneva Gilmore.

³ Order, para. 43 and Disposition, p. 21.

II. Procedural History

3. On 14 May 2020, the Chamber designated the Appointed Experts and instructed them to submit their Reports to the Chamber by 28 August 2020.⁴
4. On 30 October 2020, after the Chamber had granted to the Appointed Experts an extension of the deadline to submit their Reports,⁵ the Registry transmitted the Appointed Experts' two Reports to the Chamber, in original version.⁶
5. On 2 and 3 November 2020, respectively, the Registry transmitted the confidential redacted⁷ and public redacted versions⁸ of the two Reports.
6. On 25 October 2022, the Chamber issued the Order.
7. Between 28 October to 18 December 2022, the Registry's Victims Participation and Reparations Section ("VPRS"), consulted the Victims and Witnesses Section ("VWS")⁹ as well as the Trust Fund for Victims ("TFV")¹⁰ and the Common Legal Representatives of the Victims ("CLRVs")¹¹ on the redactions that could be lifted, and liaised with the available Appointed

⁴ Trial Chamber VI, "Public redacted version of 'Decision appointing experts on reparations', 14 May 2020, [ICC-01/04-02/06-2528-Red](#), paras 9 and 18 and Disposition, p. 10.

⁵ Trial Chamber VI, "Decision on Request for an Extension of Time for Filing Experts' Report", 20 July 2020, [ICC-01/04-02/06-2553](#).

⁶ Registry, "Registry Transmission of Appointed Experts' Reports'", dated 30 October 2020 and registered on 2 November 2020, [ICC-01/04-02/06-2623](#).

⁷ *Id.*, ICC-01/04-02/06-2623-Conf-Anx1-Red; and ICC-01/04-02/06-2623-Conf-Anx2-Red.

⁸ *Id.*, [ICC-01/04-02/06-2623-Anx1-Red2](#); and [ICC-01/04-02/06-2623-Anx2-Red2](#).

⁹ Email from VPRS to VWS, 23 November 2022, at 12:18; email from VWS to VPRS, 29 November 2022, at 15:40.

¹⁰ Email from VPRS to the TFV, 1 December 2022, at 10:06; email from the TFV to the VPRS, 1 December 2022, at 10:21.

¹¹ Emails from VPRS to the CLRVs, 1 December 2022, at 10:30 and 10:53; emails from the CLRVs to the VPRS, 1 December 2022, at 11:02 and 11:42.

Experts¹² in order to assist the latter to implement the Chamber's instructions in the Order relating to the redactions of their Reports.¹³

III. Classification

8. Pursuant to regulation 23bis(1) of the Regulations of the Court, two annexes to the present submission are classified as Confidential, as they contain sensitive information related to activities conducted by the Appointed Experts with victims and interlocutors in the field, as well as the Registry's *modus operandi*.

IV. Applicable Law

9. The present transmission is submitted in accordance with the Order.

V. Transmission

10. The Registry hereby transmits to the Chamber:

- Confidential lesser redacted versions of the two Reports; and
- Public lesser redacted versions of the two Reports.

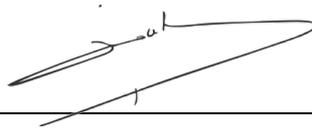
11. The Registry notes that some redactions were maintained in the confidential and/or the public lesser redacted versions, mainly for the following reasons:

- (i) (potentially) identifying information on victims, and Appointed Experts' sources/partners who did not provide consent for their name and cooperation to be disclosed;

¹² On 17 November 2022, the Registry was informed of the passing of one of the Appointed Experts, Mr. Eric Mongo Malolo.

¹³ Emails from VPRS to the Appointed Experts, 28 October 2022, at 15:58 and 2 December 2022, at 10:30 and 10:31; emails from the Appointed Experts to VPRS, 17 December 2022 at 23:09 and 18 December 2022 at 22:17.

- (ii) medical information relating to victims;
- (iii) information about the Registry's internal operational procedures, including ICC financial transfer arrangements;
- (iv) information related to the medical services used or to be used for the reparation programmes;
- (v) names of Registry staff located in the field;
- (vi) information on the witness status of a victim;
- (vii) confidential information in the case; and
- (viii) information relating to estimated reparations and costs.



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

Dated this 21 December 2022

At The Hague, the Netherlands.