

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/04-02/06**  
Date: **19 January 2023**

**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**

**Decision on the Registry Transmission of One Victim Dossier  
in Compliance with the “Decision on the Trust Fund for Victims’ submission of  
information on certain victims selected in Trial Chamber II’s approved sample” (ICC-  
01/04-02/06-2808)**

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

**Legal Representatives of Victims**

Ms Sarah Pellet

Mr Tars van Litsenborgh

Mr Dmytro Suprun

Ms Fiona Lau

Ms Cherine Luzaisu

**Counsel for Bosco Ntaganda**

Mr Stéphane Bourgon

Mr Benjamin Willame

Ms Kate Gibson

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

**Office of the Prosecutor**

**States' Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Ms Franziska Eckelmans

**Others**

**Trial Chamber II** of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘Ntaganda case’), having regard to articles 64(2), 64(6)(f), and 75 of the Rome Statute, issues this Decision on the Registry Transmission of One Victim Dossier in Compliance with the “Decision on the Trust Fund for Victims’ submission of information on certain victims selected in Trial Chamber II’s approved sample” (ICC-01/04-02/06-2808) (the ‘Decision’).

## **I. PROCEDURAL HISTORY**

1. On 8 March 2021, Trial Chamber VI delivered the Reparations Order.<sup>1</sup>
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’).<sup>2</sup> 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, *inter alia*, (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’; and (iii) ‘assess and rule upon victims’ applications for reparations’.<sup>3</sup>
3. On 25 October 2022, the Chamber issued its Order for the implementation of the Appeals Judgment (‘25 October 2022 Order’), *inter alia*, setting forth the methodology and instructing the Registry, through the Victims Participation and Reparations Section (‘VPRS’), to assemble a limited but representative sample of victims’ dossiers.<sup>4</sup>
4. On 25 November 2022, having analysed the Registry’s submission in compliance with the 25 October 2022 Order<sup>5</sup> and the parties’ submissions,<sup>6</sup> the Chamber issued a Decision, *inter*

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

<sup>2</sup> 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](#).

<sup>3</sup> Appeals Judgment, [ICC-01/04-02/06-2782](#), p. 11.

<sup>4</sup> 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](#).

<sup>5</sup> 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), 8 November 2022, [ICC-01/04-02/06-2788](#);

<sup>6</sup> Submissions on behalf of the Convicted Person on the procedure for the constitution of the sample established by the Implementation Order, 9 November 2022, [ICC-01/04-02/06-2791](#), with Public Annex I, [ICC-01/04-02/06-2791-AnxI](#); 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](#)); Submissions of the Common Legal Representative of the

*alia*, approving the sample as assembled by the VPRS as sufficiently representative of the universe of potential victims in the case (‘Decision on the Representativeness of the Sample’).<sup>7</sup>

5. On 9 January 2023, in light of a Trust Fund for Victims submission providing information on certain victims included in the sample approved by the Chamber,<sup>8</sup> the Chamber issued a Decision: i) excluding victims a/30383/15, a/30453/15, and a/00707/13 from the sample of victims to be assessed and ruled upon by the Chamber; and ii) instructing the VPRS to randomly select another victim from the group of ‘victims of crimes against child soldiers’ and transmit it to the Chamber, in order to ensure consistency with the Chamber’s methodology for the composition of the sample.<sup>9</sup>

6. On 12 January 2023, as per the Chamber’s instructions, the Registry, through the VPRS, submitted the dossier of a/30057/15, a victim randomly selected from the group of ‘victims of crimes against child soldiers’.<sup>10</sup>

## II. ANALYSIS

7. The Chamber recalls that in its Decision on the Representativeness of the Sample, the Chamber indicated its full satisfaction that the assembled sample was 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.<sup>11</sup>

8. Having analysed the information transmitted by the Registry in relation to a/30057/15, the Chamber notes that the assembled sample remains as 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, as noted in the Decision on the Representativeness of the Sample.

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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](#).

<sup>7</sup> 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’” (‘Decision on the Representativeness of the Sample’), 25 November 2022, [ICC-01/04-02/06-2794](#), with Annex 1, [ICC-01/04-02/06-2794-Anx1](#).

<sup>8</sup> Trust Fund for Victims’ submission of information on certain victims selected in Trial Chamber II’s approved sample, 22 December 2022, [ICC-01/04-02/06-2807](#).

<sup>9</sup> Decision on the Trust Fund for Victims’ submission of information on certain victims selected in Trial Chamber II’s approved sample, 9 January 2023, [ICC-01/04-02/06-2808](#), disposition.

<sup>10</sup> Registry Transmission of One Victim Dossier in Compliance with the “Decision on the Trust Fund for Victims’ submission of information on certain victims selected in Trial Chamber II’s approved sample” (ICC-01/04-02/06-2808), 12 January 2023, [ICC-01/04-02/06-2810](#), with one confidential ex parte annex only available to the Registry, ICC-01/04-02/06-2810-Conf-Exp-Anx1.

<sup>11</sup> Decision on the Representativeness of the Sample, [ICC-01/04-02/06-2794](#), para. 24.

9. In light of the above, the Chamber hereby instructs: i) the VPRS to transmit the unredacted dossier of victim a/30057/15 to the Chamber and the Common Legal Representative of the former child soldiers ('CLR1') within two days from the notification of the present Decision; ii) the CLR1 to immediately proceed to contact her client and consult as to whether the victim agrees to having the identity disclosed to the Defence; iii) the CLR1 to subsequently inform about the victim's consent to the Defence and the VPRS within ten days from the notification of the present Decision at the latest, for the proper redactions to be implemented in the victim's dossier; iv) the VPRS as soon as receiving information about the victim's consent regarding the identity being transmitted to the Defence, to implement redactions to the victim's dossier, as elaborated in the 25 October 2022 Order and the Decision on the Representativeness of the Sample, within 10 days from the date it receives the information about the victim's consent, at the latest; v) 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; vi) the CLR1 to make any submissions and complement the victim's dossiers, appending any additional supporting documentation, as elaborated in the 25 October 2022 Order and the Decision on the Representativeness of the Sample, within the same deadline as for all other victims in the sample, at the latest; and vii) the Defence to make submissions on the victim's dossier within the same deadline as for all other victims in the sample, at the latest.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,**

**INCLUDES** victim a/30057/15 to the sample of victims to be assessed and ruled upon by the Chamber;

**INSTRUCTS** the VPRS to transmit the unredacted dossier of victim a/30057/15 to the Chamber and the CLR1 within two days from the notification of the present Decision;

**INSTRUCTS** the CLR1 to immediately proceed to contact her client and consult as to whether the victim agrees to having the identity disclosed to the Defence;

**INSTRUCTS** the CLR1 to subsequently inform about the victim's consent to the Defence and the VPRS within ten days from the notification of the present Decision at the latest, for the proper redactions to be implemented in the victim's dossier;

**INSTRUCTS** the VPRS as soon as receiving information about the victim's consent regarding the identity being transmitted to the Defence, to implement redactions to the victim's dossier,

as elaborated in the 25 October 2022 Order and the Decision on the Representativeness of the Sample, within 10 days from when it receives the information about the victim's consent, at the latest;

**INSTRUCTS** 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 CLR1 to make any submissions and complement the victim's dossier, appending any additional supporting documentation, as elaborated in the 25 October 2022 Order and the Decision on the Representativeness of the Sample, within the same deadline as for all other victims in the sample, at the latest; and

**INSTRUCTS** the Defence to make submissions on the victim's dossier within the same deadline as for all other victims in the sample, at the latest.

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 Thursday, 19 January 2023

At The Hague, The Netherlands