

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 February 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

With one Confidential *EX PARTE* Annex, only available to the Defence and CLR1

**Transmission to the Defence of One Redacted Victim Dossier pursuant to Trial
Chamber II's Decision ICC-01/04-02/06-2813**

Source: Registry

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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and Reparations
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Trust Fund for Victims

Franziska Eckelmans

Others

I. Introduction

1. On 19 January 2023, Trial Chamber II (“Chamber”) issued a decision, in which it included victim a/30057/15 to the sample of victims to be assessed and ruled upon by the Chamber (“Sample”), and *inter alia* instructed the Victims Participation and Reparations Section (“VPRS”) to implement redactions to victim a/30057/15’s dossier (“Decision”).¹ The Registry herein transmits the redacted dossier of victim a/30057/15 to the Defence and the legal representative of the victim (“CLR1”).

II. Procedural History

2. On 25 October 2022, the Chamber issued its “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”),² in which it ordered *inter alia* the Registry to submit to the Chamber a list of individuals to be included in the Sample.³
3. On 8 November 2022, the Registry submitted to the Chamber a list of 173 victim’s dossiers, compiled in compliance with the Order, as well as a table containing details extracted from the aforementioned victims’ dossiers.⁴
4. On 25 November 2022, the Chamber issued a decision (“Decision on the Sample”)⁵ in which it approved the Sample and instructed *inter alia* the VPRS to

¹ Trial Chamber II, “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)”, 19 January 2023, [ICC-01/04-02/06-2813](#), para. 9 and Disposition, pp. 5-6.

² 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](#).

³ Order, para. 34 and Disposition, p. 21.

⁴ Registry, “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](#).

⁵ Trial Chamber II, “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

transmit the unredacted dossiers of the victims included in the Sample to the Chamber and the common legal representatives of Victims (“CLR(s)”).⁶

5. On 28 November 2022, the Registry transmitted the 173 unredacted victims’ dossiers to the Chamber and the CLR(s).⁷
6. On 22 December 2022, the Trust Fund for Victims filed a submission providing information on certain victims included in the Sample.⁸
7. On 9 January 2023, the Chamber issued a decision in which it excluded victims a/30383/15, a/30453/15 and a/00707/13 from the Sample. It further instructed the Registry to randomly select, in accordance with the methodology set forth in the Order, another victim from the group of ‘victims of crimes against child soldiers’ and transmit it to the Chamber within three days of the notification of the decision.⁹ The Registry complied with the Chamber’s instruction on 12 January 2023, and transmitted the dossier of victim a/30057/15 to the Chamber.¹⁰
8. On 11, 20 and 27 January 2023, the Registry transmitted a first,¹¹ second¹² and third¹³ batch of, respectively, 28, 50 and 92 redacted victims’ dossiers to the Defence and the respective CLR(s).
9. On 19 January 2023, the Chamber issued the Decision in which it included victim a/30057/15 to the Sample and instructed *inter alia* the VPRS to transmit

2021 entitled ‘Reparations Order’”, 25 November 2022, [ICC-01/04-02/06-2794](#), para. 34 (a) and Disposition, p. 23.

⁶ The Registry notes that CLR1, Ms Sarah Pellet, represents the group of the “victims of crimes against child soldiers” and Mr Dmytro Suprun represents the group of “victims of the attacks” (“CLR2”).

⁷ Registry, “Registry Transmission of 173 Unredacted Victims’ Dossiers to the Chamber and the Legal Representatives of Victims”, 28 November 2022, [ICC-01/04-02/06-2795](#).

⁸ TFV, “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](#).

⁹ Trial Chamber II, “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](#), para. 15 and Disposition, p. 8.

¹⁰ Registry, “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](#).

¹¹ Registry, “First Transmission to the Defence of 28 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 11 January 2023, [ICC-01/04-02/06-2809](#).

¹² Registry, “Second Transmission to the Defence of 50 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 20 January 2023, [ICC-01/04-02/06-2814](#).

¹³ Registry, “Third Transmission to the Defence of 92 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 27 January 2023, ICC-01/04-02/06-2816.

victim a/30057/15's unredacted dossier to the Chamber and CLR1 within two days from the notification of the Decision. The Decision further instructed CLR1 to (1) contact her client and consult whether the victim agrees to having the identity disclosed to the Defence, and (2) inform the Defence and the VPRS about the victim's consent. Finally, the Chamber instructed the VPRS to implement redactions to the victim's dossier, as elaborated in the Order and the Decision on the Sample, within 10 days from when it receives the information about the victim's consent.¹⁴

10. On 20 January 2023, the Registry granted access to CLR1 to the unredacted dossier of victim a/30057/15.¹⁵

11. On 26 January 2023, CLR1 informed the VPRS that victim a/30057/15 did not consent to disclose his identity to the Defence.¹⁶

12. The VPRS proceeded thereon to redact the victim's dossier, in accordance with the criteria outlined in the Decision on the Sample,¹⁷ and in consultation with CLR1.¹⁸

III. Classification

13. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annex to this document is classified confidential *ex parte*, only available to the Defence and CLR1, in accordance with the Decision.

¹⁴ Decision, para. 9 and Disposition, pp. 5-6.

¹⁵ Following the Chamber's approval (email from Chamber to VPRS, 20 January 2023 13:54), CLR1 was granted access to the annex of "Registry Transmission of One Victim Dossier in Compliance with the "Decision on the Trust Fund for Victims' submission of information on certain victims elected in Trial Chamber II's approved sample" (ICC-01/04-02/06-2808)", 12 January 2023, ICC-01/04-02/06-2810-Conf-Exp-Anx1, which contains victim a/30057/15's dossier in an unredacted version.

¹⁶ Email from CLR1 to VPRS, 26 January 2023, at 15:54.

¹⁷ Order, paras. 35-36, and Decision on the Sample, paras 29-30.

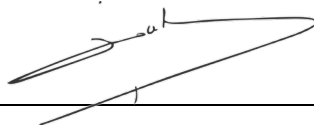
¹⁸ For this purpose, the VPRS initiated the consultation by transmitting proposed redactions to victim a/30057/15's dossier to CLR1. Email from VPRS to CLR1, 30 January 2023 at 10:36. CLR1 promptly provided her feedback (email from CLR1 to VPRS, 30 January 2023 at 16:07). Thereafter, VPRS applied the redactions to the victim's dossier following CLR1's instructions.

IV. Applicable Law

14. The present transmission is submitted in accordance with the Decision.

V. Transmission

15. The Registry hereby transmits the redacted dossier of victim a/30057/15 to the Defence and CLR1.



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

Dated this 6 February 2023

At The Hague, the Netherlands