



Original: English

No. ICC-01/04-02/06 A6 A7

Date: 22 August 2023

THE APPEALS CHAMBER

Before:

**Judge Gocha Lordkipanidze, Presiding
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Marc Perrin de Brichambaut
Judge Solomy Balungi Bossa**

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF THE PROSECUTOR v. BOSCO NTAGANDA

Public

Order inviting the Trust Fund for Victims to submit observations on the requests for suspensive effect and setting a time limit for responses to the requests and observations

Order 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

Counsel for the Defence

Mr Stéphane Bourgon

Ms Kate Gibson

Mr Benjamin Willame

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

Ms Deborah Ruiz Verduzco

The Appeals Chamber of the International Criminal Court,

In the appeals of the common legal representative of the victims of the attacks and of Mr Bosco Ntaganda against the decision of Trial Chamber II entitled “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659” of 14 July 2023 (ICC-01/04-02/06-2858-Red),

Having before it the “Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the ‘Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659’, and Request for Suspensive Effect in relation to Trial Chamber II’s Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13” of 16 August 2023 (ICC-01/04-02/06-2862), and

Having before it the “Request for the Defence appeal against the Addendum issued by Trial Chamber II on 14 July 2023 to be given suspensive effect” of 16 August 2023 (ICC-01/04-02/06-2864-Red),

Issues the following

ORDER

1. The Trust Fund for Victims may submit written observations on the requests for suspensive effect of the common legal representative of the victims of the attacks and of the Defence by 16h00 on Thursday, 31 August 2023.
2. The Defence may respond to the request for suspensive effect of the common legal representative of the victims of the attacks and the observations of the Trust Fund for Victims by 16h00 on Thursday, 7 September 2023.
3. The common legal representatives of the victims of the attacks may respond to the request for suspensive effect of the Defence and the observations of the Trust Fund for Victims by 16h00 on Thursday, 7 September 2023.

REASONS

I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI issued its decision entitled “Reparations Order” (hereinafter: “Reparations Order”).¹
2. On 16 March 2021, the Presidency assigned the present case to a newly constituted Trial Chamber II (hereinafter: “Trial Chamber”).²
3. On 12 September 2022, the Appeals Chamber issued the “Judgment on the appeals against the decision of Trial Chamber VI of 8 March entitled ‘Reparations Order’” which partially reversed the Reparations Order and remanded the matter to the Trial Chamber.³
4. On 14 July 2023, the Trial Chamber issued the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659” (hereinafter: “Impugned Decision”).⁴
5. On 16 August 2023, the common legal representative of the victims of the attacks filed a notice of appeal against the Impugned Decision containing a request for suspensive effect in relation to the Impugned Decision on the eligibility of victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13.⁵
6. On the same day, the Defence filed a notice of appeal against the Impugned Decision,⁶ and, separately, a request for suspensive effect of the Impugned Decision.⁷

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

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

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

⁴ [Impugned Decision](#), ICC-01/04-02/06-2858-Red (confidential version filed on the same day, ICC-01/04-02/06-2858-Conf).

⁵ [Notice of Appeal of the Common Legal Representative of the Victims of the Attacks against the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, and Request for Suspensive Effect in relation to Trial Chamber II’s Decision on the eligibility of Victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13](#), ICC-01/04-02/06-2862.

⁶ Defence Notice of Appeal against the 14 July Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2863-Conf (public redacted version (ICC-01/04-02/06-2863-Red), dated 21 August 2023 and registered 22 August 2023).

⁷ Request for the Defence appeal against the Addendum issued by Trial Chamber II on 14 July 2023 to be given suspensive effect, ICC-01/04-02/06-2864-Conf (public redacted version (ICC-01/04-02/06-2864-Red), dated 21 August 2023 and registered 22 August 2023).

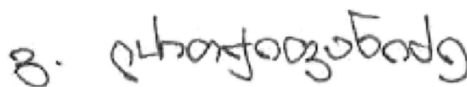
II. MERITS

7. Having regard to the requests for suspensive effect of the common legal representative of the victims of the attacks and of the Defence, and the role of the Trust Fund for Victims (hereinafter: “TFV”) in the implementation of the Impugned Decision, the Appeals Chamber finds it desirable for the proper determination of said requests to again invite the TFV to submit observations pursuant to rule 103(1) of the Rules of Procedure and Evidence (hereinafter: “Rules”).⁸ The TFV may submit written observations on issues arising from the aforementioned requests, by 16h00 on Thursday, 31 August 2023.

8. Pursuant to rule 103(2) of the Rules, the Defence may respond to both the request for suspensive effect of the common legal representative of the victims of the attacks and the observations submitted by the TFV by 16h00 on Thursday, 7 September 2023.

9. The common legal representative of the victims of the attacks may respond to both the Defence’s request and the TFV’s observations by 16h00 on Thursday, 7 September 2023.

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



Judge Gocha Lordkipanidze
Presiding

Dated this 22nd day of August 2023

At The Hague, The Netherlands

⁸ See [Order setting a time limit for responses to the request for suspensive effect and invitation to the Trust Fund for Victims to submit observations on that request](#), 11 June 2021, ICC-01/04-02/06-2678 (A4 A5).