

Public redacted version of
Annex

To the Judges of Trial Chamber II,

This submission on my views is a result of the Registry reaching out to me over the defence's confidential submission over a request for redactions of my 2020 report on reparations in the *Prosecutor v Bosco Ntaganda* case. I was appointed by the Chamber as an expert in 2020, which contractually ended in October 2020 with the submission of my report. My views will be concise as I have other commitments.

I have serious reservations to the defence's request on the following grounds:

First, my overriding concern is that providing any information relating to the interviewees' and intermediary's identity would compromise their safety. My work adhered to the expected ethical obligations of a researcher in the United Kingdom, outlined in the ESRC Research Ethics Framework. In particular the obligations around consent, confidentiality and data retention. In relation to conducting the interviews, these were carried out in light of the interviewees consenting to the data being used to inform my report to the Chamber on the condition that they would remain anonymous, with certain information to remain confidential through redactions, given the ongoing insecurity in the Ituri region and risks posed to both the interviewees/intermediaries and victims. Revealing the identity and information they posed would fundamentally vitiate their consent and confidentiality.

Second, in relation to data retention, as a researcher based in the United Kingdom I am bound by the Data Protection Act 2018, which incorporates the EU's General Data Protection Regulations (GDPR). In particular, the need to not retain personal data longer than is necessary, given risks of it being compromised where it is unsecured or not maintained over time. As my work for the Court ended in 2020, in line with my ethical and legal obligations I did not retain the personal data of interviewees beyond my appointment. In writing my report, the relevant information from interviews were included in the report.

Third, there is a more proportionate approach to be taken to assess the veracity of my conclusion without compromising the security of the interviewees and intermediaries. Much of the data the defence wish to interrogate can be gathered by engaging with [REDACTED]. I was able to do this, despite travel restrictions with Covid-19 and [REDACTED], during my time as an expert before the Court.

It is disappointing that nearly 2.5 years since I carried out these interviews, fundamental issues over reparations have not been resolved for crimes that happened 20 years ago. I am a clinical and forensic doctor working in a very busy hospital environment, so it is difficult for me to give more time to the outstanding issues identified by the Court in this case. I have seen the confidential views of the CLR of Victims of the Attacks submitted in response to the defence's request, and concur with his thorough legal analysis.

Kind regards,

A handwritten signature in black ink, appearing to read 'Sunneva Gilmore', written in a cursive style.

Dr Sunneva Gilmore

MB BCh BAO MRCOG PhD