

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **9 April 2020**

TRIAL CHAMBER VI

Before: Judge Chang-ho Chung, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

Order to provide information on the impact of COVID-19 measures on operational capacity

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

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 Mr James Stewart
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Counsel for Bosco Ntaganda

Mr Stéphane Bourgon
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Legal Representatives of Victims

Ms Sarah Pellet
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Legal Representatives of Applicants**Unrepresented Victims****Unrepresented Applicants for Participation/Reparation****The Office of Public Counsel for Victims**

Ms Paolina Massidda

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Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Section**

Mr Philipp Ambach

Trust Fund for Victims

Mr Pieter de Baan

Judge Chang-ho Chung, acting as Single Judge on behalf of Trial Chamber VI (the ‘Single Judge’ and the ‘Chamber’, respectively) of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* (‘Ntaganda case’), having regard to Articles 64 and 75 of the Rome Statute, issues this ‘Order to provide information on the impact of COVID-19 measures on operational capacity’.

1. On 8 July 2019, the Chamber issued its Judgment,¹ following which the reparations proceedings commenced.
2. Among other things, on 5 September 2019, pursuant to an order from the Single Judge,² the Registry submitted, *inter alia*, its proposed methodology for the identification of victims, including any potential victims not yet participating, to be carried out through the Victim Participation and Reparation Section,³ and on 3 October 2019, the Defence,⁴ the LRVs,⁵ the Office of the Prosecutor (‘Prosecution’),⁶ and the TFV⁷ responded thereto.
3. On 28 February 2020, pursuant to a further order from the Single Judge,⁸ the Defence,⁹ the LRVs,¹⁰ the Registry,¹¹ the Prosecution,¹² and the TFV¹³ made their respective submissions on reparations. The Chamber further received observations

¹ Judgment, ICC-01/04-02/06-2359 (with Annexes A, B and C).

² Order for preliminary information on reparations, 25 July 2019, ICC-01/04-02/06-2366.

³ Annex 1, *annexed to* Registry’s observations, pursuant to the Single Judge’s “Order for preliminary information on reparations” of 25 July 2019, ICC-01/04-02/06-2366, 6 September 2019, ICC-01/04-02/06-2391.

⁴ Response on behalf of Mr. Ntaganda to Registry’s preliminary observations on reparations, ICC-01/04-02/06-2431.

⁵ Joint Response of the Legal Representatives of Victims to the Registry’s Observations on Reparations, ICC-01/04-02/06-2430.

⁶ Prosecution’s response to the Registry’s observations, pursuant to the Single Judge’s “Order for preliminary information on reparations” (ICC-01/04-02/06-2391-Anx1), ICC-01/04-02/06-2429.

⁷ Trust Fund for Victims’ response to the Registry’s Preliminary Observations pursuant to the Order for Preliminary Information on Reparations, ICC-01/04-02/06-2428.

⁸ Order setting deadlines in relation to reparations, 5 December 2019, ICC-01/04-02/06-2447.

⁹ Defence submissions on reparations, ICC-01/04-02/06-2479-Conf (a public redacted version was filed on 6 March 2020 as ICC-01/04-02/06-2479-Red).

¹⁰ Submissions on Reparations on behalf of the Former Child Soldiers, ICC-01/04-02/06-2474 (with one annex); and Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations, ICC-01/04-02/06-2477-Conf (a public redacted version was notified on the same day as ICC-01/04-02/06-2477-Red).

¹¹ Annex I, *annexed to* Registry’s Observations on Reparations, ICC-01/04-02/06-2475.

¹² Prosecution’s Observations on Reparations, ICC-01/04-02/06-2478 (with Annex A).

¹³ Trust Fund for Victims’ observations relevant to reparations, ICC-01/04-02/06-2476.

from the government of the Democratic Republic of Congo ('DRC'),¹⁴ and the International Organization for Migration.¹⁵

4. Since the above submissions were made, travel between and within countries has been severely restricted in response to the COVID-19 pandemic, and various relevant countries, including the Host State and the DRC, have imposed strict measures to contain the spread of the virus. The Single Judge therefore considers it appropriate for the Chamber to hear from the parties and participants whether, and if so to what extent, the measures currently in place impact on the proposals made in their respective submissions and on their ability to carry out their duties in relation to the reparation proceedings, including with regard to any scheduled field missions.
5. For the foregoing reasons, the Single Judge hereby instructs the LRVs, the Defence, the Registry, and the TFV to inform the Chamber, no later than **21 April 2020**, by way of a brief filing, about the impact of COVID-19 measures on their operational capacity in relation to the reparations proceedings in the *Ntaganda* case.

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



Judge Chang-ho Chung

Dated 9 April 2020

At The Hague, The Netherlands

¹⁴ Annex, *annexed to* Transmission des observations de la République démocratique du Congo, 6 March 2020, ICC-01/04-02/06-2480.

¹⁵ Submission of observations on the issues identified under paragraph 9 (c) (i), (ii), and (iii) pursuant to the 'Order setting deadlines in relation to reparations' No. ICC-01/04-02/06, ICC-01/04-02/06-2483-Conf.