

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-02/06**
Date: **20 August 2024**

TRIAL CHAMBER II

Before: Judge María del Socorro Flores Liera, Presiding Judge
Judge Kimberly Prost
Judge Nicolas Guillou

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

Public Redacted Version of

**Decision on the First Registry Periodic Report on Eligibility Determinations for
Reparations**

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

Office of the Prosecutor

Counsel for the Defence

Legal Representatives of Victims

The Office of Public Counsel for Victims

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

States Representatives

Trust Fund for Victims
Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Public Information and Outreach Section

Ms Sonia Robla

Trial Chamber II of the International Criminal Court (the ‘Chamber’), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to article 75 of the Rome Statute, issues this ‘Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations’.

I. PROCEDURAL HISTORY

1. On 8 March 2021, Trial Chamber VI delivered the Reparations Order.¹
2. On 14 July 2023, the Chamber, in a prior composition, issued the Addendum to the Reparations Order of 8 March 2021,² in which it, *inter alia*, detailed the substantive aspects of the procedure for carrying out the eligibility assessment of victims at the implementation stage.³
3. On 11 August 2023, the Chamber, in a prior composition, issued the ‘First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations’, in which it, *inter alia*, tasked the Registry, through the Victim Participation and Reparations Section, with carrying out the administrative eligibility assessment.⁴
4. On 27 February 2024, the Chamber, in a prior composition, issued the ‘Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations’,⁵ in which it, *inter alia*, endorsed the Registry’s first notification of eligibility determinations and directed the Registry to file its next report on the eligibility determinations four months from the date of the decision.⁶
5. On 28 June 2024, the Registry submitted the ‘First Registry Periodic Report on Eligibility Determinations for Reparations (the ‘Report’),⁷ in which the Registry informed the Chamber that during the reporting period, it issued 929 positive eligibility determinations for reparations and 48 positive eligibility determinations for priority treatment under the Initial

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

² Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659 (‘Addendum’), ICC-01/04-02/06-2858-Conf (with Public Annex I, Confidential *ex parte* and Confidential Annex II, and Public Annex III), public redacted version of the same date, [ICC-01/04-02/06-2858-Red](#).

³ Addendum, [ICC-01/04-02/06-2858-Red](#), paras 34-148.

⁴ First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, ICC-01-04-02/06-2860-Conf, [ICC-01/04-02/06-2860-Red](#), para. 185(a).

⁵ Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations (‘Second DIP Decision’), [ICC-01/04-02/06-2894-Red](#).

⁶ Second DIP Decision, [ICC-01/04-02/06-2894-Red](#), para. 145, p. 48.

⁷ First Registry Periodic Report on Eligibility Determinations for Reparations (‘Report’), ICC-01/04-02/06-2901-Conf, with Confidential Annex I, available to the parties and the TFV, Confidential *ex parte* Annexes II and IV, available only to the TFV and CLR2, and Confidential *ex parte* Annex III, available only to the TFV and CLR1.

Draft Implementation Plan ('IDIP') programme (including the 32 positive eligibility determinations that were endorsed by the Chamber in the Second DIP Decision).⁸

6. On 12 July 2024, the Registry submitted an explanatory note and corrigendum of the confidential *ex parte* Annex III, available only to the TFV and CLR1,⁹ in which the Registry amended Annex III to account for: (i) a duplication of an eligibility assessment for reparations for a victim; and (ii) an erroneous ineligibility determination for an applicant that should have been found eligible.¹⁰
7. On 23 July 2024, the Registry submitted an explanatory note and corrigendum of the confidential *ex parte* Annex IV, available only to the TFV and CLR2,¹¹ in which the Registry amended Annex IV by: (i) deleting the line of assessment for an applicant that should not have been included in Annex IV as the assessment for this applicant is still under review; and (ii) correcting the number of assessments in the relevant batch to account for the deletion of this applicant's line of assessment.¹²
8. Having considered the Registry's submission, the Chamber hereby endorses the eligibility determinations filed in the Report. The Chamber notes that following the corrigenda filed by the Registry, the total number of positive eligibility determinations for reparations issued in the reporting period is now 927 victims.
9. The Chamber further notes and approves of the Registry's proposal to send eligibility determinations in batches of 50 victims' dossiers to the Trust Fund for Victims (the 'TFV'), for those victims assessed by the Registry as eligible for priority treatment under the IDIP.¹³ The Chamber concurs with the Registry's submission that this will allow the TFV to facilitate faster integration of victims into the IDIP programme.¹⁴ The Chamber notes that consistent with its previous instruction, the Registry must also submit the relevant eligibility

⁸ Report, ICC-01/04-02/06-2901-Conf, paras 16, 38.

⁹ Corrigendum of Confidential *ex parte* Annex III, available only to the TFV and CLR1, ICC-01/04-02/06-2901-Conf-Exp-AnxIII-Corr; Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIII, ICC-01/04-02/06-2901-Conf-Exp-AnxIII.

¹⁰ Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIII, ICC-01/04-02/06-2901-Conf-Exp-AnxIII.

¹¹ Corrigendum of Confidential *ex parte* Annex IV, available only to the TFV and CLR2, ICC-01/04-02/06-2901-Conf-Exp-AnxIV-Corr; Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIV, ICC-01/04-02/06-2901-Conf-Exp-AnxIV-Corr-Anx.

¹² Explanatory note of Corrigendum to ICC-01/04-02/06-2901-Conf-Exp-AnxIV, ICC-01/04-02/06-2901-Conf-Exp-AnxIV-Corr-Anx.

¹³ Report, ICC-01/04-02/06-2901-Conf, para. 27.

¹⁴ Report, ICC-01/04-02/06-2901-Conf, para. 27.

determinations to the Chamber for its endorsement at the same time they are transmitted to the TFV.¹⁵

10. Additionally, the Chamber notes with concern the Registry's report that the deteriorating security situation has had a significant impact on the movement of Court staff in the field,¹⁶ and that the population displacements caused by the 'significant escalation of violence in Djugu territory in Ituri' poses a challenge to locating and reaching potential beneficiaries.¹⁷ [REDACTED]

[REDACTED].¹⁸ The Chamber commends the Registry for its continued work amidst the reported challenges and instructs the Registry to keep the Chamber apprised of any developments.

11. The Chamber also welcomes the Registry's update on the development of data collection tools, including its design of a simplified individual reparations form tailored to the *Ntaganda* case and its finalisation of the other data collection tools previously endorsed by the Chamber.¹⁹

12. Finally, the Chamber commends the Registry, the TFV, and the Public Information and Outreach Section for their ongoing coordination, which the Registry submits helps to 'address challenges and coordinate efforts, where possible to ensure a smooth process'.²⁰

FOR THESE REASONS, THE CHAMBER HEREBY

ENDORSES the Registry's eligibility determinations in the Report;

TAKES NOTE of the other updates provided by the Registry in the Report; and

DIRECTS the Registry to either file public redacted versions of the Report, annexes, corrigenda, and explanatory notes, request their reclassification as public, or justify the need to maintain the current classification level, if applicable, within ten days from notification of the present Decision.

¹⁵ Email Trial Chamber II to the Registry, 22 January 2024 at 12:01 hrs.

¹⁶ Report, ICC-01/04-02/06-2901-Conf, para. 28.

¹⁷ Report, ICC-01/04-02/06-2901-Conf, para. 28.

¹⁸ Report, ICC-01/04-02/06-2901-Conf, para. 29.

¹⁹ Report, ICC-01/04-02/06-2901-Conf, para. 31.

²⁰ Report, ICC-01/04-02/06-2901-Conf, para. 36.

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

A blue ink signature, appearing to be 'M. Flores Liera', written in a cursive style.

Judge María del Socorro Flores Liera, Presiding Judge

A blue ink signature, appearing to be 'K. Prost', written in a cursive style.

Judge Kimberly Prost

A blue ink signature, appearing to be 'N. Guillou', written in a cursive style.

Judge Nicolas Guillou

Dated 20 August 2024

At The Hague, The Netherlands