

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 5 November 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

Public Redacted Version of "Second Registry Periodic Report on Eligibility Determinations for Reparations" (ICC-01/04-02/06-2906-Conf, dated 28 October 2024)

Source: Registry

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

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I. Introduction

1. On 27 February 2024, Trial Chamber II (“Chamber”) issued its “Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations” (“Second Decision on DIP”), in which it instructed the Registry to file, every four months, update reports (“Periodic Reports”) on the results of the Victims Participation and Reparations Section’s (“VPRS”) eligibility determinations on victims’ dossiers for reparations in the case *The Prosecutor v. Bosco Ntaganda* (“Case”), with the first Periodic Report to be filed four months from the date of the Second Decision on DIP.¹
2. The VPRS hereby provides the results of its administrative eligibility determinations during the reporting period 28 June to 27 October 2024 (part V.A.) as well as information on the conduct of its activities related to the identification and collection of information from beneficiaries (part V.B.).
3. The VPRS will simultaneously transmit to the Chamber and the Trust Fund for Victims (“TFV”), outside the record of the case, the dossiers of the victims found eligible for reparations, for the Chamber’s judicial approval.²

II. Procedural History

4. On 14 July 2023, the Chamber issued the “Addendum to the Reparations Order of 8 March 2021” in which it, *inter alia*, detailed the procedure for carrying out the eligibility assessment of victims’ dossiers at the implementation stage.³
5. On 11 August 2023, the Chamber issued the First Decision on DIP, in which it assigned to the VPRS the mandate of carrying out the identification of potential

¹ Trial Chamber II, “Second Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 27 February 2024, ICC-01/04-02/06-2894-Conf, para. 145.

² Trial Chamber II, “First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations”, 11 August 2023, ICC-01-04-02/06-2860-Conf, para. 185(e) and (f). A public redacted version was notified on 30 August 2023, ICC-01/04-02/06-2860-Red (“First Decision on DIP”).

³ Trial Chamber II, “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, 14 July 2023, ICC-01/04-02/06-2858-Conf. A Public Redacted version was issued on the same day, ICC-01/04-02/06-2858-Red (“Addendum”).

beneficiaries for reparations, the collection of information, and the administrative eligibility process.⁴

6. On 3 November 2023, the Registry filed its “Registry Submission pursuant to ICC-01/04-02/06-2860-Red” (“Registry Submission”), in which it *inter alia* provided information on how the VPRS planned to carry out the victim identification, collection of information and eligibility assessment process.⁵
7. On 23 January 2024⁶ and 2 February 2024,⁷ the Registry transmitted to the Chamber a first batch of 32 positive eligibility determinations for reparations and for priority treatment under the TFV’s Initial Draft Implementation Plan (“IDIP”), for the Chamber’s endorsement.
8. On 27 February 2024, the Chamber issued the Second Decision on DIP.
9. On 28 June 2024 the Registry transmitted to the Chamber its “First Registry Periodic Report on Eligibility Determinations for Reparations” (“First Periodic Report”), in which it *inter alia* informed the Chamber that, since 1 January 2024, it had issued 927 positive eligibility determinations for reparations, and 48 positive eligibility determinations for priority treatment under the TFV’s IDIP, for the Chamber’s endorsement.⁸
10. On 20 August 2024, the Chamber issued a decision in which it endorsed the Registry eligibility determinations from the First Periodic Report (“20 August 2024 Decision”).⁹

⁴ First Decision on DIP, paras. 181, 184 and 185.

⁵ Registry, “Registry submission pursuant to ICC-01/04-02/06-2860-Red”, 3 November 2023, ICC-01/04-02/06-2878-Conf-AnxI. A public redacted version was notified on 22 November 2023.

⁶ Registry, “First Registry Notification of VPRS Determinations of Victims’ Eligibility for Reparations and/or Priority Status”, 23 January 2024, ICC-01/04-02/06-2890 (“First Notification”).

⁷ Registry, “First Registry Report on VPRS Determinations of Victims’ Most Urgent Needs”, 2 February 2024, ICC-01/04-02/06-2891.

⁸ Registry, First Registry Periodic Report on Eligibility Determinations for Reparations, 28 June 2024, ICC-01/04-02/06-2901-Conf, para. 38. A public redacted version was filed on 26 August 2024 and notified on 27 August 2024, ICC-01/04-02/06-2901-Red. Following the two corrigenda issued, respectively, on 12 and 23 July 2024, the total number of positive eligible assessments issued by the VPRS in its First Periodic Report is 927.

⁹ Trial Chamber II, “Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations”, 20 August 2024, ICC-01/04-02/06-2904-Conf, operative paragraphs page 5. A public redacted version was notified on 11 September 2024, ICC-01/04-02/06-2904-Red.

III. Classification

11. Pursuant to regulation 23bis (1) of the Regulations of the Court, the present Report is classified confidential since it contains information on the Registry field operations, and Annexes I¹⁰ and II¹¹ are classified confidential *ex parte*, only available to the TFV and the relevant Common Legal Representative (“CLR”),¹² since they contain sensitive information on the victims concerned. A public redacted version of the present report will be filed shortly.

IV. Applicable Law

12. The present Periodic Report and its annexes are submitted by the Registry in accordance with the First and Second Decisions on DIP.

V. Submissions

A. Results of VPRS administrative eligibility assessments

1. Eligibility criteria implemented

13. In accordance with the First¹³ and Second¹⁴ Decision on DIP, the VPRS assesses each victim’s dossier to determine their eligibility for reparations in line with the criteria set out by the Chamber in the Addendum.¹⁵

14. The detailed explanation of the criteria applied by the VPRS when conducting these assessments was submitted together with the First Notification,¹⁶ and was supplemented in the First Periodic Report.¹⁷

¹⁰ See *infra*, para. 19.

¹¹ See *infra*, para. 23.

¹² Ms Sarah Pellet (“CLR1”) represents the group of Victims of Crimes Against Child Soldiers in the proceedings, and Mr Dmytro Suprun (“CLR2”) represents the group of Victims of the Attacks.

¹³ First Decision on DIP, para 185(a).

¹⁴ Second Decision on DIP, paras. 114 and 117.

¹⁵ See for example Addendum, paras 37- 40, 53-59, 64. See also Second Decision on DIP, paras. 92 to 98.

¹⁶ Annex I to the First Notification, ICC-01/04-02/06-2890-AnxI.

¹⁷ Annex I to the First Periodic Report, ICC-01/04-02/06-2901-Conf-AnxI. A public redacted version was notified on 27 August 2024, ICC-01/04-02/06-2901-AnxI-Red.

2. Eligibility assessment for reparations

a) Total number of applications assessed

15. During the reporting period, the Registry assessed the eligibility for reparations of 1044 victims' dossiers and completed its determination for 224 victims' dossiers.

16. Among the 1044 dossiers, 760 dossiers of participating victims are still under review pending further clarification and/or information. The VPRS will liaise with the CLRs concerning certain victims' dossiers to obtain said clarification ahead of any formal determination on their eligibility.¹⁸

b) Priority victims

17. During the reporting period, the VPRS carried out a preliminary determination on the priority status and urgent needs of 60 newly identified non-participating potential beneficiaries, whose dossiers were received by the VPRS in August 2024. A final determination will be reached soonest.¹⁹

c) Participating victims

18. During the reporting period, the VPRS issued 185 positive eligibility determinations for reparations for victims who participated in the proceedings in the Case,²⁰ all of which are victims of the attacks.

19. Confidential *ex parte* Annex I, available only to the TFV and CLR2, contains VPRS individual assessment reports related to the 185 victims of the attacks the VPRS found eligible for reparations.

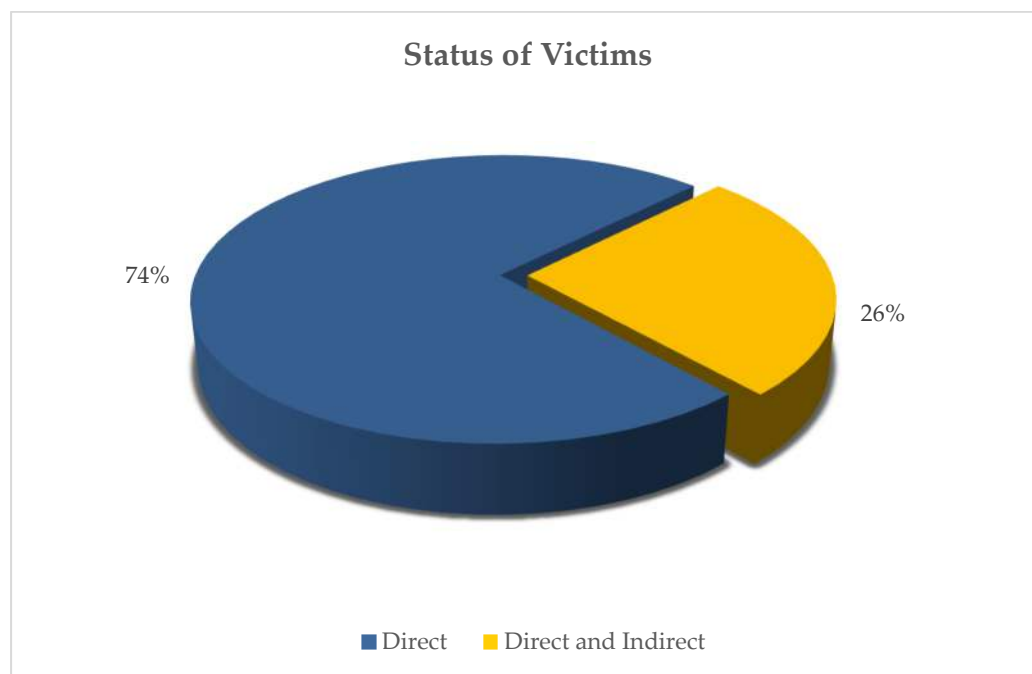
¹⁸ This is in line with the practice of the VPRS, and was put in place, with the agreement of the CLRs, to ensure that the VPRS considers all relevant elements or arguments ahead of issuing a formal determination on eligibility. See Registry Submission, fn. 76. In addition, the determination of a substantial number of the forms is contingent upon the ongoing appeal process.

¹⁹ This may be subject to an additional communication to the Chamber.

²⁰ As proposed by the Registry, and approved by the Chamber, the VPRS conducts a *de novo* assessment on eligibility for reparations for all the participating victims' dossiers. See Registry Submission, para. 62 and Second Decision on DIP, para. 114.

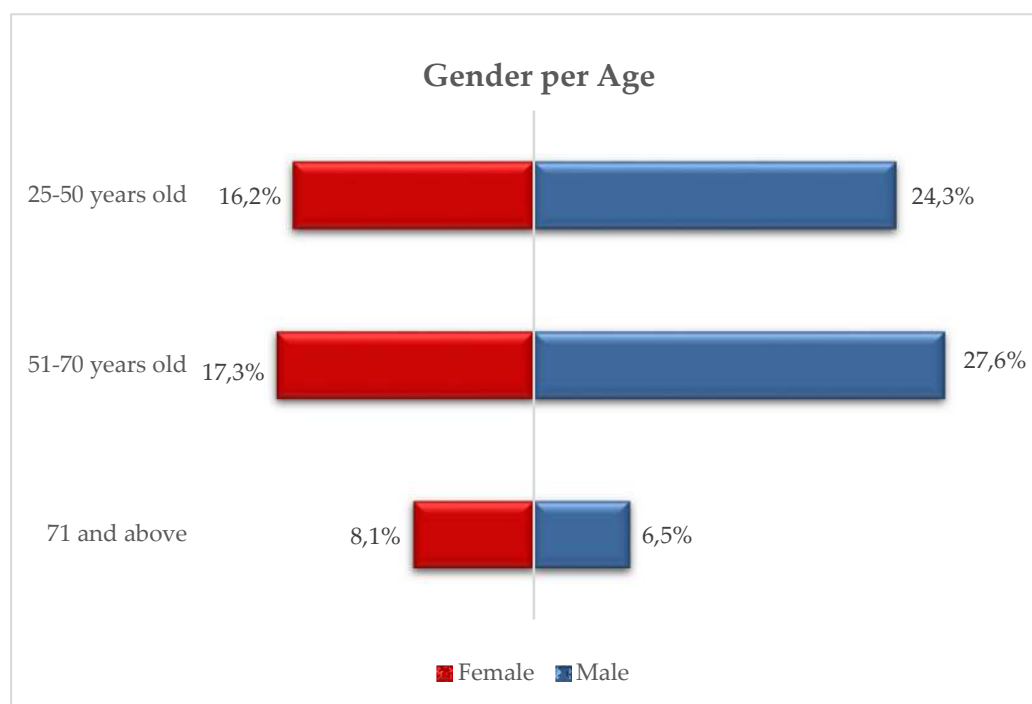
20. The charts below provide details on the status of the eligible victims (direct or indirect) (Chart 1), their gender and current approximate age (Chart 2), and the type of crime(s) within the scope of the conviction Judgement²¹ (Chart 3).

Chart 1



***Note:** 8 victims are deceased, and a resumption of action was granted by the Chamber.*

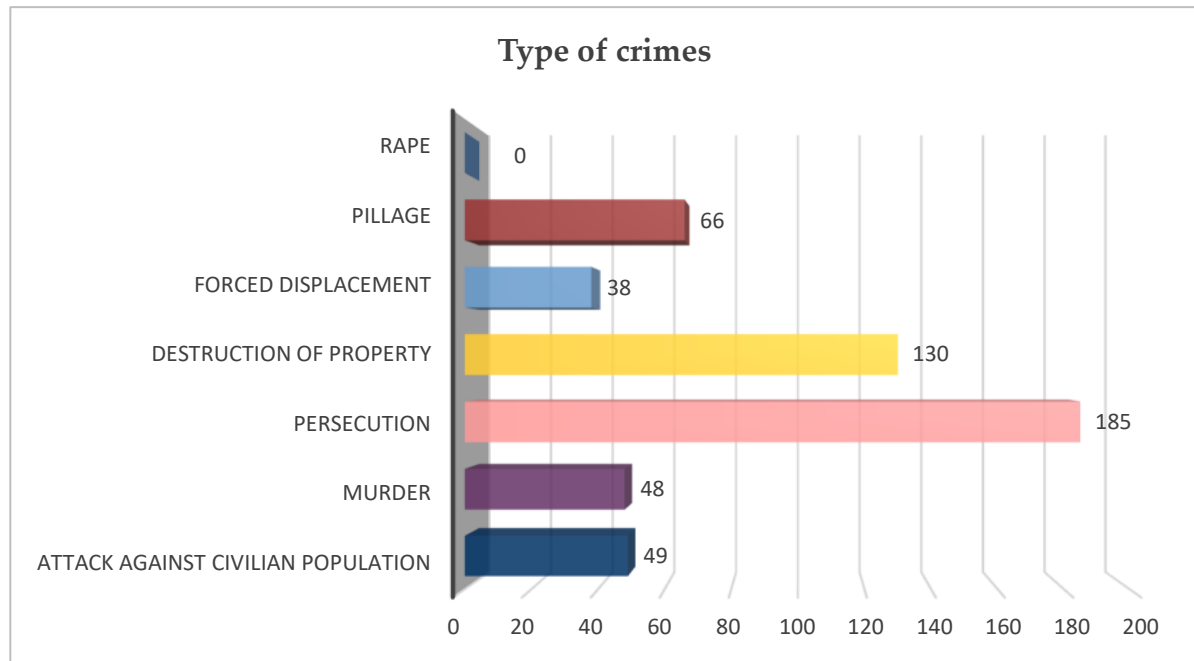
Chart 2



***Note:** 4 victims are deceased in the 51-70 age range and 4 victims are deceased in the 71-95 age range*

²¹ See Trial Chamber VI, "Judgement", 8 July 2019, ICC-01/04-02/06-2359.

Chart 3



d) Newly identified potential beneficiaries

21. During the reporting period, the VPRS received 340 reparation forms from newly identified potential beneficiaries.²²
22. Out of the above forms, the VPRS has so far found eligible for reparations a total of 39 victims of the crime of enlistment of children under the age of 15 years and their use to participate actively in hostilities.²³ Amongst these, 16 victims indicate having suffered from sexual and gender-based crime ("SGBC") (i.e., rape and/or sexual slavery), between approximately 6 August 2002 and 31 December 2003.²⁴

²² This number includes 126 reparations forms received by the VPRS on 24 October 2024.

²³ The VPRS notes that eight victims from the "Victims of crimes against child soldiers" group have completed questionnaires related to their urgent needs. However, since victims from this group will no longer be channeled towards the IDIP, as they will benefit directly from the TFV's Former Child Soldiers Programme, for these dossiers the VPRS only conducted an eligibility for reparations determination. See TFV, "Trust Fund for Victims' First Update Report on the implementation of reparations for former child soldiers and for victims of the attacks, including for victims in urgent needs, in the Lubanga and the Ntaganda cases, 28 June 2024, ICC-01/04-02/06-2900-Conf-Exp, para. 91. A public redacted version was notified on 2 September 2024, ICC-01/04-02/06-2900-Red.

²⁴ The Registry notes that sexual violence may not be systematically revealed by an applicant at the time of filling in a form, and therefore these crimes may be under-reported.

23. Confidential *ex parte* Annex II, available only to the TFV and CLR1, contains the VPRS individual assessment report related to the 39 direct victims of crimes against former child soldiers found eligible for reparations.

24. The charts below provide statistics on the gender and current approximate age of the eligible victims (Chart 4), and the sexual and gender-based crimes reported (Chart 5).

Chart 4

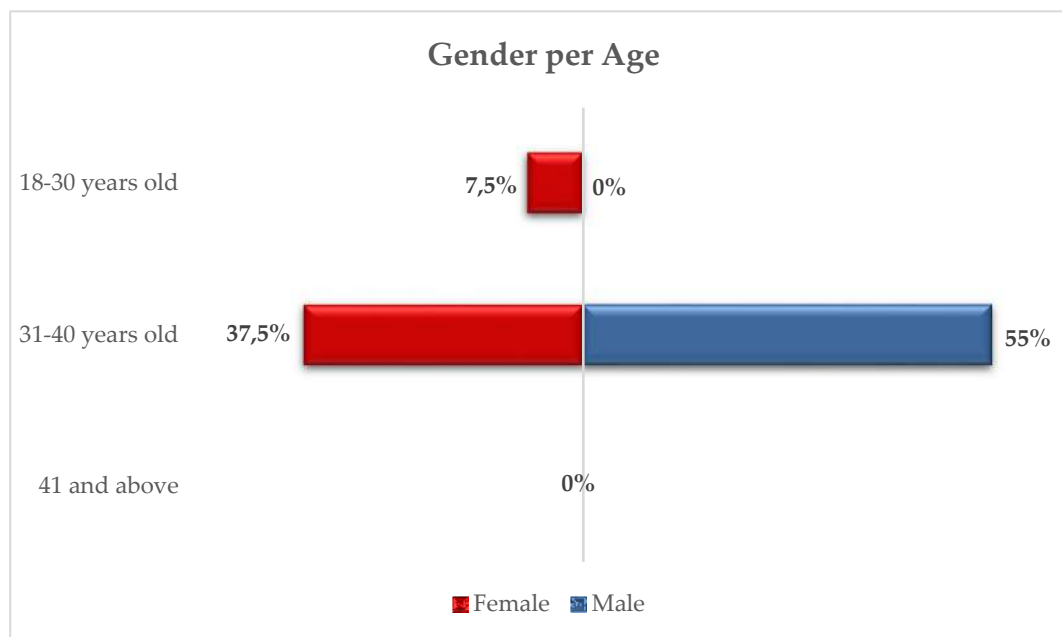
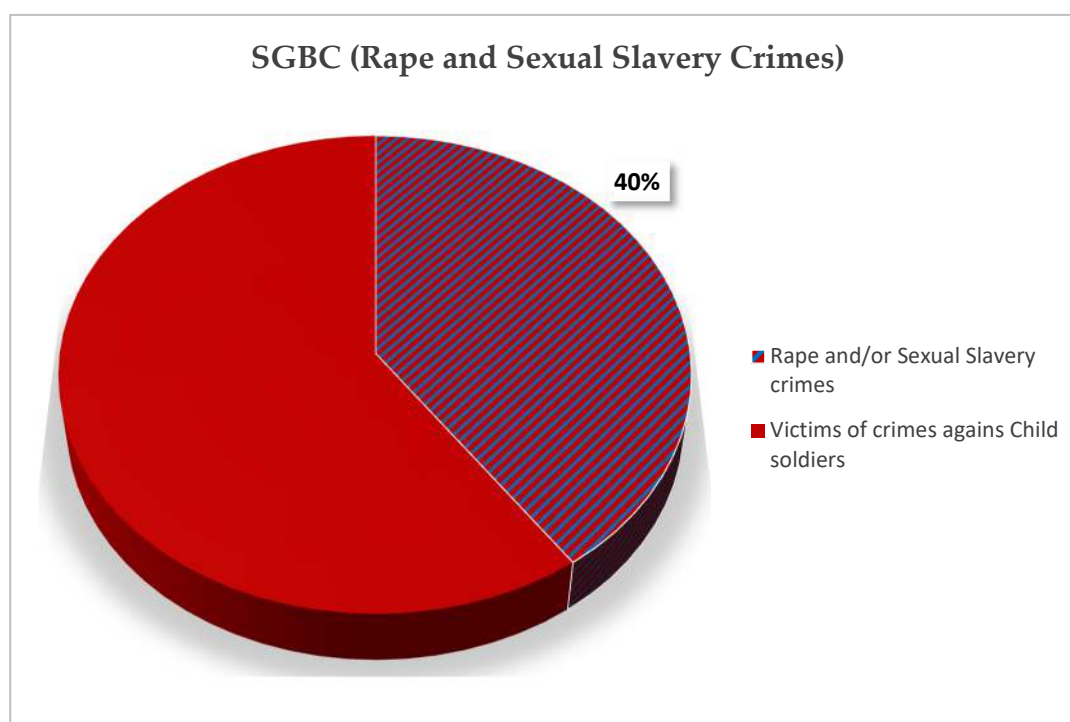


Chart 5



3. Future assessments

25. The VPRS will continue to carry out its assessment of victims' dossiers on a rolling basis, at a pace and in the order previously described in the Registry's Submission.²⁵

26. As authorized by the Chamber in the 20 August 2024 Decision,²⁶ whenever feasible the Registry will issue eligibility determinations, in batches of 50 victims' dossiers, for those victims assessed by the VPRS as eligible for priority treatment under the IDIP.²⁷

B. Update on VPRS activities for the identification of future new potential beneficiaries and collection of information

1. Identified Challenges

27. The security situation in Ituri continues to be volatile.²⁸ The security situation has a significant impact on the Registry activities, including on the movement of Court staff in the field, which continue to be currently [REDACTED]. Moreover, as previously reported,²⁹ the massive displacements of populations pose a challenge to locate and reach out to potential beneficiaries of reparations in the Case. To facilitate the Registry operations, it is crucial to have a permanent presence in Ituri.

2. Activities undertaken during the reporting period

28. During the reporting period, the VPRS consolidated further its team in the field who carry out the different activities to implement its mandate as per the First and Second Decisions on DIP.³⁰

²⁵ Registry's Submission, paras. 23, 56, and 58 to 66.

²⁶ 20 August 2024 Decision, para. 9.

²⁷ The regularity of these interim transmissions will be dependent on the number of dossiers that can be completed in the field and processed at headquarters.

²⁸ See, for example, "[Armed Groups' Activities in Democratic Republic of Congo Intensifying Conflict, Worsening Humanitarian Crisis, Special Envoy Tells Security Council](#)", 8 October 2024, (last accessed on 23 October 2024).

²⁹ Registry Submission, para. 34.

³⁰ See Registry Submission, paras. 12, 34 and 51.

Update on the development of data collection tools

29. During the reporting period, the VPRS made progress in the development of a group/household form,³¹ that may be used alongside the “traditional” individual form used in the Case.³² Consultations on the form are ongoing, following which it will be subject to further testing, including through user feedback in the field, to ensure its suitability and usefulness to collect information from potential beneficiaries in the field. The Registry will keep the Chamber apprised of the process and the form itself.

Update on activities conducted in the field

30. During the reporting period, the VPRS conducted three missions to the field, in the localities of [REDACTED]. The third mission, carried out in [REDACTED], was in collaboration with a staff of the Public Information and Outreach Section.³³

31. The VPRS has continued the setting up of locally recruited teams (field resource persons), [REDACTED]. These teams may continue to grow. They assist victims to provide relevant documentation to apply for reparations in relevant localities throughout Ituri, including in localities where Court staff are not able to travel to.³⁴ It is expected that through the newly established local capacity, the collection of information from potential new reparation beneficiaries will rise significantly in numbers in the coming months, provided the security situation does not deteriorate further.

32. Lastly, the VPRS field staff, assisted by its partners and interlocutors, continued to follow up on leads and to gather information on potential beneficiaries of reparations in the Case and their whereabouts, including through information

³¹ A preliminary draft version of the group form was transmitted to Pre-Trial Chamber III in the case *The Prosecutor v. Joseph Kony*. See Registry, “Registry Update Report on Legal Representation of Victims and Transmission of Group Application Form for Victims”, 14 October 2024, ICC-02/04-01/05-529, paras 32-33.

³² See Registry Submission, paras 45 to 48, Second Decision on DIP, para. 87 and 20 August 2024 Decision, para. 11.

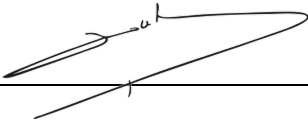
³³ This is in line with the Chamber’s delineation of responsibilities between PIOS and VPRS, but also recognition that outreach and the identification of victims may take place in tandem. Second Decision on DIP, para. 103.

³⁴ The Registry notes that the recruitment of local partners will be gradual and ongoing throughout the process cycle.

provided by survivors themselves. Moreover, activities have been conducted jointly with the Outreach team to disseminate accurate information about the current processes and guide potential beneficiaries as to how to address the Registry.

C. Conclusion

33. The Registry hereby informs the Chamber that during the reporting period it has issued 224 positive eligibility determinations for reparations,³⁵ bringing to 1,151 the total number of positive eligibility determinations issued by the Registry since 1 January 2024.³⁶



Marc Dubuisson
Director Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 5th November 2024

At The Hague, the Netherlands

³⁵ See *supra*, paras. 19 and 23.

³⁶ As mentioned *supra*, para. 9, the Registry issued 927 positive eligible determinations during the first reporting period.