

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **13 January 2025**

Original Date: **3 December 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 Second 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

Mr Fadi El Abdallah

Trial Chamber II (the ‘Chamber’) of the International Criminal Court (the ‘Court’), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to article 75 of the Rome Statute, issues this ‘Decision on the Second 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 (‘VPRS’), with carrying out the administrative eligibility assessment.⁴
4. On 20 August 2024, the Chamber issued the ‘Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations’, in which it, *inter alia*, approved the Registry’s proposal on the transmission of eligibility determinations.⁵
5. On 28 October 2024, the Registry submitted its ‘Second Registry Periodic Report on Eligibility Determinations for Reparations’ (the ‘Second Periodic Report’),⁶ in which it informed the Chamber that during the reporting period the VPRS issued 224 positive

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 34-46, 53-117, 121-148.

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). The Chamber recalls that the Appeals Chamber held that this mandate was incorporated in the Addendum to the Reparations Order of 8 March 2021. See Judgment on the appeals against the decision of Trial Chamber II of 14 July 2023 entitled “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659”, 1 November 2024, [ICC-01/04-02/06-2908-Red](#), para. 118.

⁵ Decision on the First Registry Periodic Report on Eligibility Determinations for Reparations, ICC-01/04-02/06-2904-Conf.

⁶ Second Registry Periodic Report on Eligibility Determinations for Reparations (‘Second Periodic Report’), ICC-01/04-02/06-2906-Conf, with Confidential *ex parte* Annex I, available only to the TFV and CLR2, and Confidential *ex parte* Annex II, available only to the TFV and CLR1.

eligibility determinations for reparations⁷ and carried out a preliminary determination on the priority status and urgent needs of 60 newly identified non-participating potential beneficiaries.⁸

II. ANALYSIS

6. Having considered the Registry's submissions, the Chamber hereby endorses the eligibility determinations filed in the Second Periodic Report. The Chamber notes that the total number of positive eligibility determinations for reparations issued in the reporting period is now 1,151 victims.⁹
7. Additionally, the Chamber notes with concern the Registry's report that the security situation continues to be volatile and has had a significant impact on the Registry's activities and the movement of Court staff in the field.¹⁰ Further, the Chamber remains concerned about the continued population displacements, which pose a challenge to locating and reaching potential beneficiaries.¹¹ The Chamber once again commends the Registry for its continued work amidst the reported challenges and instructs the Registry to keep the Chamber apprised of any developments.
8. The Chamber also welcomes the Registry's update on: (i) the consolidation of its team implementing the Registry's mandate in the field;¹² (ii) its three missions to the field in the localities of [REDACTED]¹³ (iii) its work setting up locally recruited teams to operate in the mentioned localities;¹⁴ and (iv) its work following up on leads and information gathering on potential beneficiaries of reparations and their whereabouts.¹⁵
9. The Chamber takes note of the progress in the development of a group/household form and directs the Registry to keep the Chamber apprised of new developments.¹⁶ Finally, the Chamber commends the Registry, the TFV, and the Public Information and Outreach

⁷ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 33.

⁸ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 17.

⁹ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 33.

¹⁰ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 27.

¹¹ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 27.

¹² Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 28.

¹³ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 30.

¹⁴ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 31.

¹⁵ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 32.

¹⁶ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 29.

Section for their ongoing coordination and encourages them to continue to strengthen and increase their collaborative work at all times.¹⁷

FOR THESE REASONS, THE CHAMBER HEREBY

ENDORSES the Registry's eligibility determinations in the Second Periodic Report;

INSTRUCTS the Registry to continue to carry out its assessments of victims' dossiers; and

TAKES NOTE of the other updates provided by the Registry in the Second Periodic Report.

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

Judge María del Socorro Flores Liera, Presiding Judge

Judge Kimberly Prost

Judge Nicolas Guillou

Dated 13 January 2025

Original Date: 3 December 2024

At The Hague, The Netherlands

¹⁷ Second Periodic Report, ICC-01/04-02/06-2906-Conf, para. 30.