

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-02/06**
Date: **31 January 2025**

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

**Decision on the Victims Participation and Reparations Section request for guidance
(with Confidential Annex I)**

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

☐ **The Office of the Prosecutor**

☐ **Counsel for the Defence**

☐ **Legal Representatives of the Victims**

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **The Office of Public Counsel for
Victims**

☐ **The Office of Public Counsel for the
Defence**

☐ **States' Representatives**

☒ **Trust Fund for Victims**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations
Section**

☒ **Public Information and Outreach
Section**

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 and regulation 110 of the Regulations of the Registry, issues this ‘Decision on the Victims Participation and Reparations Section’s request for guidance’.

I. PROCEDURAL HISTORY

1. On 8 July 2019, Trial Chamber VI issued the Judgment, convicting Bosco Ntaganda (hereinafter: ‘Mr Ntaganda’) of crimes against humanity and war crimes.¹
2. On 8 March 2021, Trial Chamber VI delivered the Reparations Order in the present case.²
3. On 14 July 2023, the Chamber, in a prior composition, issued the Addendum to the Reparations Order of 8 March 2021 (the ‘Addendum’), with, *inter alia*, Public Addendum Annex I (hereinafter: ‘Addendum Annex I’).³ Addendum Annex I summarised, *inter alia*, the negative and positive findings in the Conviction Judgment in relation to the scope of the conviction pertaining to the victims of the attacks.⁴
4. 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’ which, *inter alia*, tasked the Registry, through the Victims Participation and Reparations Section (the ‘VPRS’), with carrying out the administrative eligibility assessment.⁵
5. On 17 December 2024, the VPRS submitted, by email, a request for guidance in relation to the interpretation of the scope of conviction of Mr Ntaganda for purposes of the eligibility of certain potential beneficiaries.⁶

¹ Judgment, 8 July 2019, [ICC-01/04-02/06-2359](#), pp 535-539.

² Reparations Order (‘Reparations Order’), [ICC-01/04-02/06-2659](#).

³ Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659 (‘Addendum’), 14 July 2023, 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](#).

⁴ Addendum Annex I, [ICC-01/04-02/06-2858-AnxI](#), para. 2.

⁵ First Decision on the Trust Fund for Victims’ Draft Implementation Plan for Reparations, 11 August 2023, ICC-01-04-02/06-2860-Conf, public redacted version of 30 August 2023, [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.

⁶ See Annex I, Email to Trial Chamber II, dated 17 December 2024.

II. ANALYSIS

A. The VPRS request

6. In its submission, the VPRS seeks clarification as to whether the number of potential beneficiaries is limited when the Judgment and Addendum Annex I specify a particular number of victims in relation to a crime.⁷ The VPRS provides the example of the crime of murder in Kilo, which listed, *inter alia*, ‘a Ngiti man; a pregnant Lendu woman who had been detained in a pit; and a Nyali man’.⁸
7. The VPRS requests the Chamber’s confirmation of its interpretation that the specific findings in Addendum Annex I do not limit the scope of victims eligible for reparations to the specified number of victims.⁹

B. Chamber’s determination

8. At the outset, the Chamber notes that according to the Principles on Reparations set in the Reparations Order, the ‘eligibility for reparations in the present proceedings is to be determined by reference to the territorial, temporal, and subject matter scope of the crimes for which Mr Ntaganda was convicted’.¹⁰
9. In line with the Principles, the Reparations Order and the Addendum detail the substantive aspects of the procedure for carrying out the eligibility assessment of victims at the implementation stage.¹¹ Accordingly, a person would be eligible for reparations if they establish: (i) their identity; (ii) their suffering of harm; (iii) that the crime from which the harm arises is one for which the defendant was convicted; and (iv) a direct causal link between the crime and the harm.¹²
10. To assist in the eligibility assessment of victims during the implementation stage, Addendum Annex I summarised, *inter alia*, the positive findings in the Trial Judgment, per locality.¹³ As noted by the VPRS, Addendum Annex I included, in some cases, a closed list

⁷ Email dated 17 December 2024.

⁸ Addendum Annex I, [ICC-01/04-02/06-2858-AnxI](#), para. 4 (p. 10).

⁹ Email dated 17 December 2024.

¹⁰ Reparations Order, [ICC-01/04-02/06-2659](#), para. 106.

¹¹ Reparations Order, [ICC-01/04-02/06-2659](#), para. 31; Addendum, [ICC-01/04-02/06-2858-Red](#), paras 34-46, 53-117, 121-148.

¹² Reparations Order, [ICC-01/04-02/06-2659](#), paras 31, 137; Addendum, [ICC-01/04-02/06-2858-Red](#), para. 34.

¹³ Addendum Annex I, [ICC-01/04-02/06-2858-AnxI](#), para 1.

of victims for specific crimes. In these cases, the Chamber considers that Mr Ntaganda was convicted of the crimes in relation to a specific number of victims and thus the eligibility of any potential beneficiary is limited to this specified number of victims.

11. Should the VPRS need to make a determination regarding which potential beneficiaries were victims of crimes for which there is a specified number of victims, the Chamber notes that the VPRS will have to carefully consider the information provided in the victims' dossiers *vis-a-vis* the factual findings in the Judgment.¹⁴
12. In case the evidence referenced in the Judgment is insufficient, the Chamber instructs the VPRS to seek further information from the Prosecution. The Chamber recalls that, despite not being a party in the implementation of the reparations proceeding, the Prosecution remains 'the impartial organ of justice responsible for conducting investigations and prosecutions, who should have formulated the charges in a clear, unambiguous, exhaustive and self-contained way, with the required level of specificity depending on the nature of the case'.¹⁵ The Chamber instructs the Prosecution to assist the VPRS in this matter.
13. If neither the information derived from the Trial Judgment nor the Prosecution assists in identifying which potential beneficiaries were victims of crimes for which there is a specified number of victims, the Chamber encourages the VPRS to seek additional information from the potential beneficiaries to assist in its determination.
14. In the event that the steps described above do not assist the VPRS in ascertaining the identity of the specified beneficiary, the Chamber instructs the VPRS to provide the relevant information to the Chamber, which will exceptionally make the determination in place of the VPRS.
15. Finally, the Chamber also notes that, due to the scale of the attacks and the numerous crimes for which Mr Ntaganda was convicted, many potential beneficiaries who may fall outside the scope of a crime for which there is a determined number of victims, may still be found eligible for reparations for other crimes for which Mr Ntaganda was convicted, so long as they fulfil the eligibility criteria.

¹⁴ Addendum, [ICC-01/04-02/06-2858-Red](#), paras 91, 99, 103.

¹⁵ Addendum, [ICC-01/04-02/06-2858-Red](#), para. 287.

FOR THESE REASONS, THE CHAMBER HEREBY

CLARIFIES the scope of the conviction against Mr Ntaganda for the purposes of eligibility for reparations;

INSTRUCTS the VPRS to follow the steps listed in paragraphs 11-14; and

INSTRUCTS the Prosecution to assist the VPRS in its inquiries.

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 31 January 2025

At The Hague, The Netherlands