

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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Date: 5 March 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 CONGO

IN THE CASE OF THE PROSECUTOR v. BOSCO NTAGANDA

Public

Public Redacted Version of "Third Registry Periodic Report on Eligibility for Reparations and Priority Treatment Determinations" (ICC-01/04-02/06-2916-Conf, dated 28 February 2025)

Source: Registry

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| ☐ The Office of the Prosecutor | ☐ Counsel for the Defence |
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| ☐ Unrepresented Victims | ☐ Unrepresented Applicants (Participation/Reparation) |
| ☐ The Office of Public Counsel for Victims | ☐ The Office of Public Counsel for the Defence |
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REGISTRY

- | | |
|---|---|
| Registrar
M. Zavala Giler, Osvaldo | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☒ Victims Participation and Reparations Section | ☒ Other
Trust Fund for Victims |

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 determinations on victims’ eligibility, priority status and urgent needs, for their inclusion in the Trust Fund for Victims’ (“TFV”) initial draft implementation plan (“IDIP”), during the reporting period from 28 October 2024 to 27 February 2025 (part V.A.). This report also provides information on the conduct of VPRS 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 TFV, outside the record of the case, the dossiers of the victims found eligible for reparations and meriting priority treatment due to their urgent needs, 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

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. A public redacted version was notified on 25 July 2024, [ICC-01/04-02/06-2894-Red](#).

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”).

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 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 IDIP, for the Chamber’s endorsement.
8. On 27 February 2024, the Chamber issued the Second Decision on DIP.
9. On 28 June 2024 and 28 October 2024, the Registry transmitted to the Chamber its First⁸ and Second⁹ Periodic Report on Eligibility Determinations for Reparations.
10. On 20 August 2024 and 3 December 2024, the Chamber issued decisions in which it endorsed the Registry eligibility determinations from the First Periodic Report (“20 August 2024 Decision”) ¹⁰ and Second Periodic Report.¹¹

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

⁵ Registry, Annex I to “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, [ICC-01/04-02/06-2878-AnxI-Red](#).

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 Registry, “Second Registry Periodic Report on Eligibility Determinations for Reparations”, 28 October 2024, ICC-01/04-02/06-2906-Conf. A public redacted version was notified on 5 November 2024, [ICC-01/04-02/06-2906-Red](#).

¹⁰ 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 at page 5. A public redacted version was notified on 11 September 2024, [ICC-01/04-02/06-2904-Red](#).

¹¹ Trial Chamber II, “Decision on the Second Registry Periodic Report on Eligibility Determinations for Reparations”, 3 December 2024, ICC-01/04-02/06-2910-Conf, operative paragraphs on page 5. A public redacted version was notified on 13 January 2025, [ICC-01/04-02/06-2910-Red](#).

11. On 31 January 2025, the Chamber issued its “Decision on the Victims Participation and Reparations Section request for guidance” (“Guidance Decision”).¹²
12. On 5 February 2025, the Registry transmitted 94 eligibility determinations for IDIP victims' dossiers to the Chamber and the TFV.¹³
13. On 14 February 2025, the Chamber endorsed the Registry eligibility determinations for the 94 IDIP victims' dossiers, noting that following this approval, the total number of positive eligibility determinations for reparations now totals 1,245 victims.¹⁴

III. Classification

14. Pursuant to regulation 23*bis* (1) of the Regulations of the Court, the present Report is classified confidential since it contains information on the Registry field operations; Annexes I¹⁵, II¹⁶ and III¹⁷ are classified confidential *ex parte*, only available to the TFV since they contain sensitive information on the victims concerned. A public redacted version of the present report will be filed shortly.

IV. Applicable Law

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

¹² Trial Chamber II, “Decision on the Victims Participation and Reparations Section request for guidance”, 31 January 2025, [ICC-01/04-02/06-2912](#).

¹³ Registry, “Transmission of VPRS Determinations of Victims' Eligibility for Reparations and Priority Status”, 5 February 2025, [ICC-01/04-02/06-2913](#).

¹⁴ Trial Chamber II, “Third decision on the VPRS determinations of victims' eligibility for reparations and priority status”, 14 February 2025, [ICC-01/04-02/06-2914](#).

¹⁵ Annex I contains the VPRS' eligibility and priority determinations of 12 victims' dossiers. *See infra*, para. 19.

¹⁶ Annex II contains the VPRS' eligibility determinations of 46 victims' dossiers submitted by victims of the attacks. The eligibility determinations related to participating victims are at Part A, and those related to newly identified victims at Part B. *See infra*, paras. 20 and 22.

¹⁷ Annex III contains the VPRS' eligibility determinations of 246 victims' dossiers submitted by victims of crimes against child soldiers. The eligibility determinations related to participating victims are at Part A, and those related to newly identified victims at Part B. *See infra*, paras. 20 and 22.

V. Submissions

A. Results of VPRS administrative eligibility assessments

1. Eligibility criteria implemented

16. In accordance with the First¹⁸ and Second¹⁹ 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,²⁰ and in the Guidance Decision.

17. The detailed explanation of the criteria applied by the VPRS when conducting these assessments was submitted together with the First Notification,²¹ and was supplemented in the First Periodic Report.²²

2. Eligibility assessment for reparations

a) Total number of applications assessed

18. During the reporting period, the Registry completed its determination for 398 victims' dossiers. Of this overall number, the VPRS has already transmitted 94 priority victim dossiers on 5 February 2025. The current report transmits 304 victims' dossiers, encompassing 246 victims against child soldiers and 58 victims of the attacks (with the latter figure including 12 priority victims²³).

b) Priority victims

19. During the reporting period, the VPRS carried out a determination on the priority status and urgent needs of 106 newly identified potential beneficiaries, whose dossiers were received by the VPRS between August 2024 and January 2025. 94 of these dossiers were transmitted to the Chamber on 5 February 2025.²⁴ 12 dossiers are transmitted with the current Report (Annex I).

¹⁸ First Decision on DIP, para. 185(a).

¹⁹ Second Decision on DIP, paras. 114 and 117.

²⁰ See for example Addendum, paras 37- 40, 53-59, 64. See also Second Decision on DIP, paras. 92 to 98.

²¹ Annex I to the First Notification, [ICC-01/04-02/06-2890-AnxI](#).

²² 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](#).

²³ See *infra*, para. 19 and Annex I.

²⁴ See *supra*, para. 12.

c) Participating victims

20. During the reporting period, the VPRS issued 48 positive eligibility determinations for reparations for victims who participated in the proceedings in the Case.²⁵ Consequently, Annex II contains VPRS individual assessment reports related to 43 victims of the attacks the VPRS found eligible for reparations; Annex III contains VPRS individual assessment reports related to five victims of crimes against child soldiers the VPRS found eligible for reparations.

d) Newly identified potential beneficiaries found eligible

21. During the reporting period, the VPRS received 106 reparation forms from newly identified potential beneficiaries: three reparation forms from victims of the attacks, and 103 reparation forms from victims of crimes against child soldiers. The VPRS also assessed 138 forms from victims of crimes against child soldiers received in the previous reporting period.

22. The VPRS has found all of the above forms as eligible for reparations. This comprises three victims of the attacks (Annex II²⁶ contains the VPRS individual assessment report related to these three victims); and 241 victims of crimes against child soldiers.²⁷ Amongst the latter, 107 victims indicate having suffered from sexual and gender-based crimes ("SGBC") (i.e., rape and/or sexual slavery), between approximately 6 August 2002 and 31 December 2003.²⁸ Annex III²⁹ contains the VPRS individual assessment report related to the 241 newly identified victims of crimes against former child soldiers.

²⁵ 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.

²⁶ Annex II, Part B.

²⁷ This comprises 103 forms received in the present reporting period plus 138 forms received during the previous period where the assessment was finalised presently – *see supra*, para. 21.

²⁸ 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.

²⁹ Annex III, Part B.

3. Charts

Victims of the attacks

23. The charts below provide details on the status of the 58 eligible victims of the attacks (direct or indirect) (Chart 1),³⁰ their gender and current approximate age (Chart 2), and the type of crime(s) within the scope of the conviction Judgement³¹ (Chart 3).

Chart 1

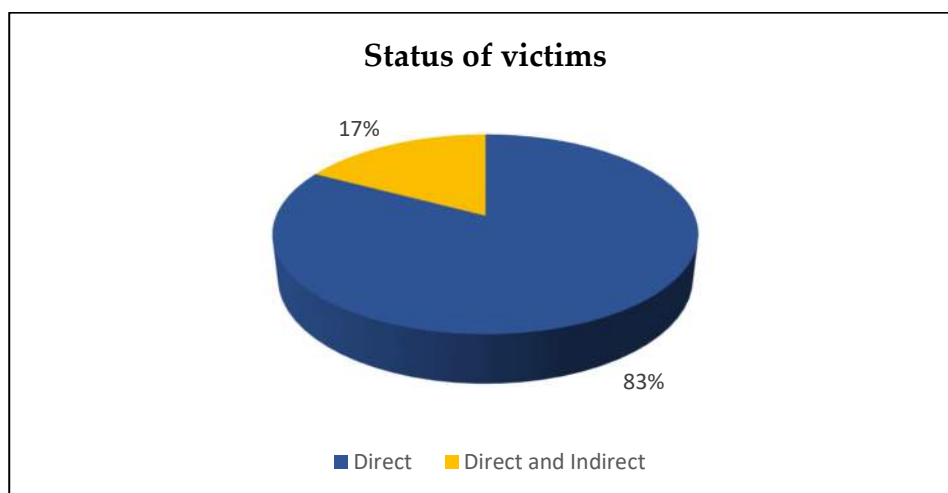
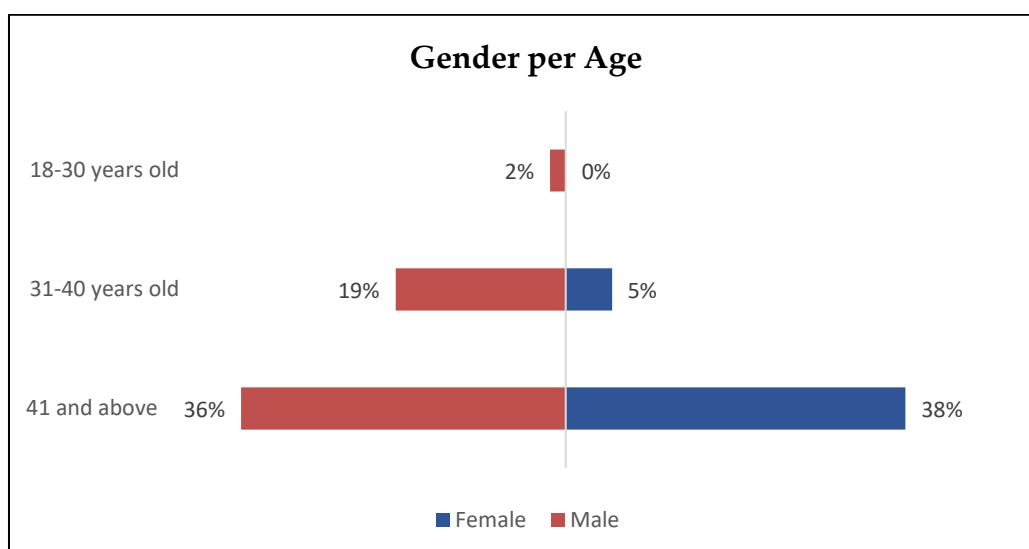
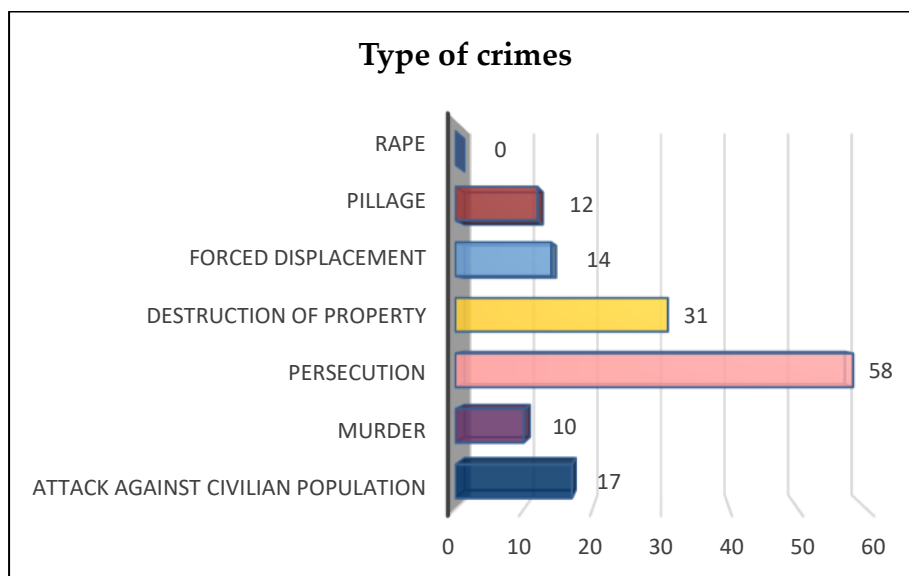


Chart 2



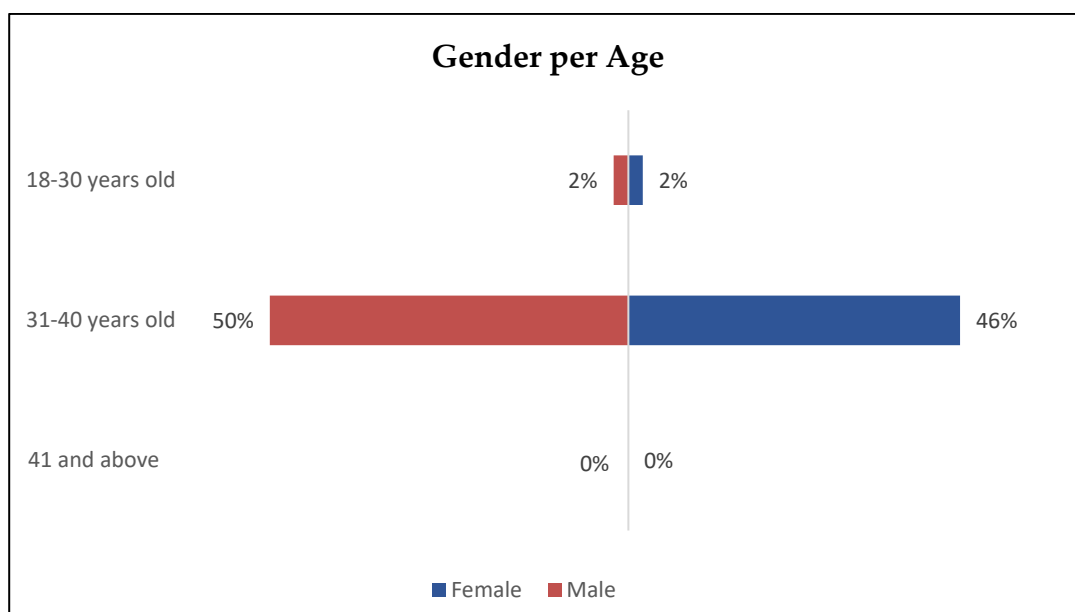
³⁰ Of 58 eligible victims of the attacks, 12 are priority victims, 43 are participating victims and three are newly identified non-priority victims – *see supra*, paras. 19, 20, 22.

³¹ See Trial Chamber VI, “Judgement”, 8 July 2019, [ICC-01/04-02/06-2359](#).

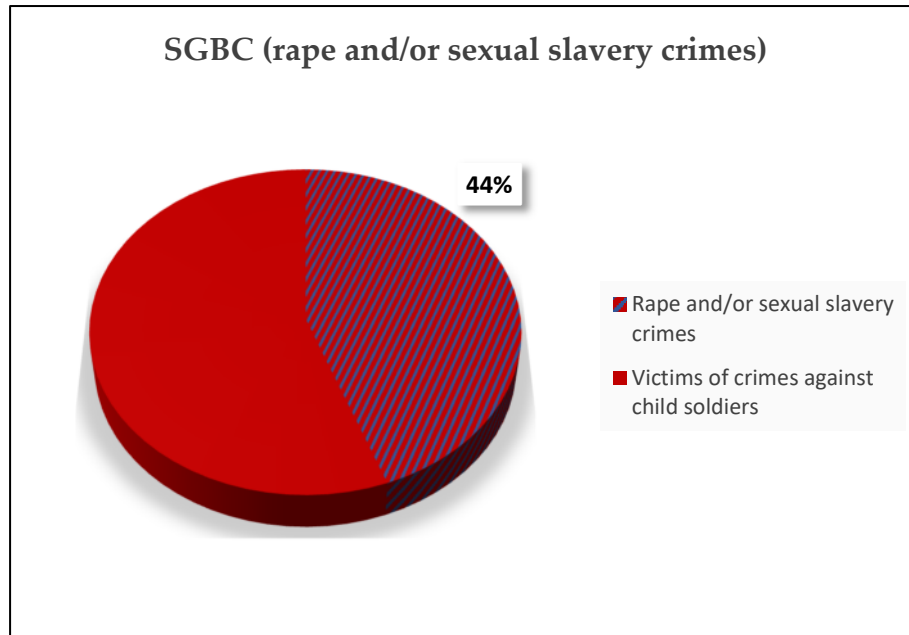
Chart 3

Victims of crimes against child soldiers

24. The charts below provide statistics on the gender and current approximate age of the 246 eligible victims of crimes against child soldiers (Chart 4),³² and the sexual and gender-based crimes reported by these victims (Chart 5). Out of the 246 eligible victims, four are indirect victims.

Chart 4

³² Of the 246 eligible victims of crimes against child soldiers, five are participating victims and 241 are newly identified victims; see *supra*, paras. 20, 22.

Chart 5

4. 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.³³

26. As authorized by the Chamber in the 20 August 2024 Decision, whenever feasible the Registry will issue eligibility determinations, in batches of approximately 50 victims' dossiers, for those victims assessed by the VPRS as eligible for priority treatment under the IDIP.³⁴

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

1. Identified Challenges

³³ Registry's Submission, paras. 23, 56, and 58 to 66.

³⁴ 20 August 2024 Decision, para. 9.

27. The security situation in Ituri, as described in previous Registry Reports,³⁵ has significantly declined due to M23 militia taking over the main cities of North and South Kivu,³⁶ and the sudden presence of the UPDF in Bunia [REDACTED].³⁷
28. The current security situation in Ituri has a significant impact [REDACTED]. These developments add to the already volatile security situation in Ituri since the conflict re-emerged at the end of 2018 and further intensified most recently. [REDACTED].³⁸
29. [REDACTED].
30. Lastly, as previously reported,³⁹ the massive displacement – and continuous movement - of the affected population poses a significant challenge [REDACTED]. The current highly volatile situation will potentially further exacerbate this challenge.

2. Activities undertaken during the reporting period

31. Despite the challenges mentioned above, during the reporting period, the VPRS has continued to consolidate and train its team [REDACTED].

Update on the development of data collection tools

³⁵ First and Second Periodic Report.

³⁶ Al Jazeera and news agencies, “M23 Rebels Resume Attacks in DR Congo After Two-Day Pause”, 11 February 2025, at <https://www.aljazeera.com/news/2025/2/11/m23-rebels-resume-attacks-in-dr-congo-after-two-day-pause> (accessed on 26 February 2025). *See also* the latest news issued by the UN at the UN News website dedicated to DRC at <https://news.un.org/en/tags/democratic-republic-congo?page=0> (accessed on 26 February 2025). The Registry notes that the UN Security Council has condemned the ongoing offensives by M23 Rebel Movement in Eastern Democratic Republic of the Congo by Resolution 2773 of 21 February 2025. United Nations, Security Council, *Resolution 2773 (2025)*, 21 February 2025, [S/RES/2773 \(2025\)](https://www.un.org/press/en/2025/scres2773.docstxt).

³⁷ AP, “Ugandan forces enter eastern Congolese city of Bunia to back up local troops”, 18 February 2025, <https://apnews.com/article/uganda-eastern-congo-bunia-b5472a670a6506e9d875a1c11512deca> (accessed on 26 February 2025).

³⁸ [REDACTED].

³⁹ Registry Submission, para. 34.

32. During the reporting period, the VPRS finalised its group/household form,⁴⁰ which will start to be tested and used alongside the “traditional” individual form used in the Case [REDACTED].

Update on activities conducted in the field

33. During the reporting period, and before international travel to the DRC ceased,⁴¹ the VPRS international staff conducted three missions to the field, in the localities of [REDACTED]. Provided the security situation allows, it is foreseen that VPRS’ gradual further reinforcement [REDACTED] will generate an increasing number of applications for reparations collected.

34. In addition, the VPRS, in coordination with the PIOS Outreach team and the TFV, continues to disseminate updated information about the current reparations processes, including on how to apply. An example of this is the radio information campaign launched by PIOS between October and December 2024, which continues to generate interest amongst affected communities.

C. Conclusion

35. The Registry hereby informs the Chamber that during the reporting period it has issued 398 positive eligibility and priority treatment determinations for reparations – of which a total of 304 are subject to the present Report -,⁴² bringing to 1,549 the

⁴⁰ A 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.

⁴¹ According to UN News, “Goma’s airport has been closed for more than two weeks, cutting off a vital humanitarian supply route, and the WFP-operated UN Humanitarian Air Service (UNHAS) is facing a funding crisis that could see services suspended by the end of March (...)”. UN News, “‘We’re afraid to return home’: Uprooted again, Congolese civilians face hunger and more insecurity”, 25 February 2025, at <https://news.un.org/en/story/2025/02/1160486> (accessed on 26 February 2025).

⁴² During the reporting period, the VPRS transmitted 94 priority victim dossiers on 5 February 2025. See *supra*, para. 12.

total number of positive eligibility determinations issued by the Registry since 1 January 2024.⁴³

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

Dated this 5 March 2025

At The Hague, the Netherlands

⁴³ As mentioned *supra*, para. 13. So far, the Chamber has endorsed positive eligibility determinations for reparations for 1,245 victims. A further 304 victims have been submitted to the Chamber for endorsement in the present report. *See supra*, fn. 15 - 17.