

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **16 October 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 Redacted Version of

**Decision on the VPRS request for guidance on issues regarding the eligibility for
reparations**

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**

☐ **State's Representatives**

☒ **Trust Fund for Victims**

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 (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* (the ‘Ntaganda case’), having regard to article 75 of the Rome Statute (the ‘Statute’), rules 85 and 94 of the Rules of Procedure and Evidence (the ‘Rules’), and regulation 110(1) of the Regulations of the Registry, issues this ‘Decision on the VPRS request for guidance on issues regarding the eligibility for reparations’.

I. PROCEDURAL HISTORY

1. On 8 July 2019, Trial Chamber VI issued the ‘Judgment’, convicting Bosco Ntaganda (hereinafter: ‘Mr Ntaganda’) of five counts of crimes against humanity and thirteen counts of war crimes.¹
2. On 7 November 2019, Trial Chamber VI issued the ‘Sentencing Judgment’, imposing on Mr Ntaganda a joint sentence of thirty years of imprisonment.²
3. On 15 December 2020, Trial Chamber VI issued its ‘Decision on issues raised in the Registry’s First Report on Reparations’³ (the ‘Decision on Reported Issues’), in which Trial Chamber VI, *inter alia*, provided guidance to the Registry in relation to the territorial and temporal scope of the conviction, in the context of the victims’ eligibility assessment for reparations conducted by the Registry.⁴
4. On 8 March 2021, Trial Chamber VI delivered the ‘Reparations Order’ in the *Ntaganda* case.⁵
5. On 14 July 2023, the Chamber, in a prior composition, issued the ‘Addendum to the Reparations Order of 8 March 2021’⁶ (the ‘Addendum’). The Addendum, *inter alia*, set out the substantive aspects of the procedure for carrying out the eligibility assessment of victims at the implementation stage⁷ and annexed a document (hereinafter: ‘Addendum Annex I’), detailing the scope of the conviction in relation to the victims of the attacks,

¹ [Judgment](#), ICC-01/04-02/06-2359 (with public Annexes A, B and C), pp. 535-539.

² [Sentencing Judgment](#), ICC-01/04-02-06-2442 (with one public annex), p. 117.

³ [Decision on Reported Issues](#), ICC-01/04-02/06-2630.

⁴ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, paras 16-20, 24-26, 30-31, 33-34, 37-38, 42-43, 47.

⁵ [Reparations Order](#), ICC-01/04-02/06-2659.

⁶ [Addendum](#), ICC-01/04-02/06-2858-Red.

⁷ [Addendum](#), ICC-01/04-02/06-2858-Red, paras 34-148.

specifying the crimes and underlying acts included in the conviction per location, as well as recalling the negative findings made in the Judgment.⁸

6. 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 of beneficiaries for reparations.⁹
7. On 1 September 2025, the VPRS submitted its ‘Request for guidance on issues regarding the eligibility for reparations’¹⁰ (the ‘Request’), seeking the Chamber’s guidance on the geographic scope of the conviction in order to finalise its determinations on eligibility for reparations in relation to potential beneficiaries ‘who have suffered from crimes in certain locations which may fall within the scope of the conviction because of their close geographic proximity to crime sites previously recognized by the Chamber’.¹¹ The VPRS submits that these locations, Dhepka and Camp P.M., are locations near Lipri and within Kobu, respectively.¹²

II. ANALYSIS

8. At the outset, the Chamber notes the guiding reparation principles of applying a ‘victim-centred’¹³ approach to reparations as well as the ‘do no harm’ principle.¹⁴ Further, the Chamber recalls that, in order to be entitled to reparations in the *Ntaganda* case, victims must have suffered harm as a result of a crime for which Mr Ntaganda was convicted.¹⁵ In its Decision on Reported Issues, Trial Chamber VI recalled that ‘[for] a number of locations referred to in the Confirmation Decision, the Chamber specifically indicated in

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

⁹ [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.

¹⁰ [Request](#), ICC-01/04-02/06-2925-Conf (public redacted version notified on 5 September 2025, ICC-01/04-02/06-2925-Red), paras 2-3.

¹¹ [Request](#), ICC-01/04-02/06-2925-Red, para. 2.

¹² [Request](#), ICC-01/04-02/06-2925-Red, para. 3.

¹³ [Reparations Order](#), ICC-01/04-02/06-2659, para. 45.

¹⁴ [Reparations Order](#), ICC-01/04-02/06-2659, paras 50-52.

¹⁵ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 11. See also, [Reparations Order](#), ICC-01/04-02/06-2659, para. 76.

the Judgment that because “the Prosecutor did not produce any evidence”, the Chamber did “not make any findings on these villages””.¹⁶ In the same decision, Trial Chamber VI further found that, the existence of negative findings in the Judgment ‘clearly indicate that persons alleging to be victims of those events are not entitled to reparations in the *Ntaganda* case’¹⁷ and that ‘for victims who claim to have suffered a harm in a location surrounding an area or village to be potentially entitled to reparations, the Chamber must have made explicit findings in relation to these surrounding places and these findings must have served as a basis for convicting Mr Ntaganda’.¹⁸

9. The Chamber therefore conducts the following analysis in light of these principles and the findings already made in the Judgment.

A. Dhepka

10. In its Request, the VPRS recalls the Judgment’s finding on the close proximity between Dhepka and Lipri, to the extent that some witnesses heard during trial may have considered Dhepka as part of Lipri.¹⁹ In addition, the VPRS submits that [REDACTED] [REDACTED] indicates that Dhepka is located approximately 170 metres from Lipri, which the VPRS indicates has been confirmed by [REDACTED].²⁰
11. In light of the geographic proximity between Dhepka and Lipri, the VPRS requests ‘to apply, in its determination on the eligibility for reparations of the Dhepka dossiers, the positive findings concerning Lipri to Dhepka, insofar as they do not conflict with the specific negative findings rendered in respect of Dhepka’.²¹ As such, the VPRS proposes to consider as eligible for reparations, the victims who suffered harm as a result of pillage and/or forced displacement in Dhepka.²²
12. The Chamber notes that the Judgment indeed indicated that certain villages, including Dhepka, were ‘in such close proximity to Lipri that some witnesses may consider them

¹⁶ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 17, referring to [Judgment](#), ICC-01/04-02/06-2359, para. 641.

¹⁷ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 18.

¹⁸ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 18.

¹⁹ [Request](#), ICC-01/04-02/06-2925-Red, para. 15.

²⁰ [Request](#), ICC-01/04-02/06-2925-Red, para. 15.

²¹ [Request](#), ICC-01/04-02/06-2925-Red, para. 16.

²² [Request](#), ICC-01/04-02/06-2925-Red, para. 17.

part of it'.²³ However, the Chamber also notes that, despite the witness testimonies heard during trial, the Judgment made separate findings for each individual location, following the 'Decision pursuant to article 61(7)(a) and (b) of the Rome Statute on the charges of the Prosecutor against Bosco Ntaganda'.²⁴ Therefore, Trial Chamber VI explicitly intended to make separate findings for the locations of Tsili, Ngongo, Djuba, Katho, Avetso, and Dhepka, generally associated with Lipri.²⁵ Thereafter, the Judgment made no positive findings in relation to Dhepka, 'on the basis of the very limited evidence brought before it'.²⁶ In fact, the Judgment contains negative findings for the crimes of intentionally attacking civilians, persecution and destruction of property allegedly committed in Dhepka.²⁷

13. The logic followed in the Judgment was later confirmed in the Decision on Reported Issues.²⁸ There, Trial Chamber VI stressed that the negative findings in the Judgment clearly indicated that there were no specific findings for those locations associated with Lipri and, thus, victims in these locations were not entitled to reparations in the *Ntaganda* case despite certain witnesses understanding that the locations were part of larger villages or towns for which positive findings were made in the Judgment.²⁹ Trial Chamber VI further found that 'for victims who claim to have suffered a harm in a location surrounding an area or village to be potentially entitled to reparations, the Chamber must have made explicit findings in relation to these surrounding places and these findings must have served as a basis for convicting Mr Ntaganda'.³⁰
14. Accordingly, the Chamber finds that the possibility of considering Dhepka within the scope of the case has already been considered by Trial Chamber VI, which decided not to extend the positive findings in the Judgment to Dhepka. Consequently, the Chamber rejects the VPRS' request in relation to this location. The Chamber recognises the suffering of the victims in Dhepka; at the same time and as indicated above, the Chamber

²³ [Request](#), ICC-01/04-02/06-2925-Red, para. 15, referring to [Judgment](#), ICC-01/04-02/06-2359, para. 566, n. 1730.

²⁴ [Judgment](#), ICC-01/04-02/06-2359, para. 566, n.1730.

²⁵ [Judgment](#), ICC-01/04-02/06-2359, para. 566, n.1730.

²⁶ [Judgment](#), ICC-01/04-02/06-2359, para. 645.

²⁷ [Judgment](#), ICC-01/04-02/06-2359, paras 905, 989, 1155.

²⁸ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 19(b).

²⁹ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 17.

³⁰ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 18. See also [Decision on Reported Issues](#), ICC-01/04-02/06-2630, para. 19(b).

stresses that reparations must be tied to the specific harms arising from the crimes for which Mr Ntaganda was convicted.³¹

B. Camp P.M.

15. In its submissions, the VPRS states that the CLRV2 transmitted to the VPRS supplementary information regarding ‘Camp P.M. dossiers’ and confirmed that Camp P.M. is within Kangama.³² The VPRS recalls that Kangama shares the same geographical coordinates with Kobu and that the Chamber has endorsed a number of victims’ eligibility assessments who have referred to Kangama as a crime location.³³
16. The VPRS indicates that [REDACTED] did not provide a precise location of Camp P.M., however, [REDACTED] confirmed that Camp P.M. was located within Kangama.³⁴ Considering the above, the VPRS requests authorisation to consider victims, who suffered harm as a result of crimes for which the Judgment made positive findings for Kobu, eligible for reparations, provided they do not contradict the specific negative findings applicable to Camp P.M.³⁵ In particular, the VPRS would consider the victims that suffered harm in relation to the crimes of pillage, forced displacement, rape, sexual slavery and murder in Camp P.M. eligible for reparations.³⁶
17. The Chamber notes that it has previously endorsed the finding that Kangama is a locality within Kobu.³⁷ The Chamber further notes that neither the Judgment nor subsequent decisions taken by Trial Chamber VI or the Chamber have defined the exact location of Camp P.M., or its geographical location in relation to Kangama or Kobu. The VPRS has consulted with [REDACTED] who have confirmed that Camp P.M. is located within Kangama.³⁸ The Chamber finds this information reliable.
18. The Chamber also notes the findings made by Trial Chamber VI in its Decision on Reported Issues, and the clarifications as to when villages surrounding a crime location

³¹ See paragraph 8 above.

³² [Request](#), ICC-01/04-02/06-2925-Red, para. 18.

³³ [Request](#), ICC-01/04-02/06-2925-Red, para. 20, n. 21.

³⁴ [Request](#), ICC-01/04-02/06-2925-Red, para. 19.

³⁵ [Request](#), ICC-01/04-02/06-2925-Red, para. 21.

³⁶ [Request](#), ICC-01/04-02/06-2925-Red, para. 22.

³⁷ [Decision on the Second Registry Periodic Report on Eligibility Determinations for Reparations](#), 13 January 2025, ICC-01/04-02/06-2910-Red, para. 6; Fifth Decision on the VPRS determinations of victims’ eligibility for reparations and priority status, 11 July 2025, ICC-01/04-02/06-2924, para. 8.

³⁸ [Request](#), ICC-01/04-02/06-2925-Red, para. 19.

fall outside of the scope of the conviction.³⁹ The Chamber notes that in the present situation, the issue relates not to a surrounding village, but to a site located within another, i.e., Kobu.

19. Therefore, while the Judgment appears to treat Camp P.M. and Kobu as separate locations,⁴⁰ the information now provided by VPRS indicates that Camp P.M. is within Kobu.
20. Accordingly, the Chamber grants the VPRS' request and allows the VPRS to apply the positive findings concerning Kobu to Camp P.M., provided they do not contradict the specific negative findings made in the Judgment in relation to Camp P.M.⁴¹

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the VPRS' request in relation to Dhepka; and

GRANTS the VPRS' request in relation to Camp P.M.

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 16 October 2025

At The Hague, The Netherlands

³⁹ [Decision on Reported Issues](#), ICC-01/04-02/06-2630, paras 21-26.

⁴⁰ See [Judgment](#), ICC-01/04-02/06-2359, para. 612.

⁴¹ [Judgment](#), ICC-01/04-02/06-2359, paras 905, 989, 1155.