

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 January 2023

TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding Judge
Judge Péter Kovács
Judge María del Socorro Flores Liera

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

With Confidential *EX PARTE*

**Annexes 1 to 16, only available to the Defence and CLR1, and
Annexes 17 to 28, only available to the Defence and CLR2**

**First Transmission to the Defence of 28 Redacted Victim Dossiers pursuant to
Trial Chamber II Decision ICC-01/04-02/06-2794**

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 25 November 2022, Trial Chamber II (“Chamber”) issued a decision approving a sample of 173 victims’ dossiers previously assembled by the Victims Participation and Reparations Section (“VPRS”).¹ In that Decision, the Chamber further instructed the Registry, through the VPRS, to implement redactions to the victims’ dossiers and transmit them to the Defence.²

II. Procedural History

2. On 25 October 2022, the Chamber issued its “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”³ (“Order”), in which it ordered *inter alia* the Registry to submit to the Chamber a list of individuals to be included in a sample of victim applications to be assessed and ruled upon by the Chamber (“Sample”).⁴

¹ Trial Chamber II, “Decision on the Registry submission in compliance with the “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”, 25 November 2022, [ICC-01/04-02/06-2794](#), Disposition, p. 23. The Registry notes that in the “Decision on the Trust Fund for Victims’ submission of information on certain victims selected in Trial Chamber II’s approved sample” issued on 9 January 2023 (ICC-01/04-02/06-2808, p. 8), the Chamber excluded victims a/30383/15, a/30453/15 and a/00707/13 from the sample of victims to be assessed and ruled upon by the Chamber. Those dossiers will thus be excluded from the VPRS’ transmissions to the Defence of the redacted version of the victims’ dossiers.

² Decision, para. 34(d) and Disposition, p. 23. The Registry notes that the Chamber instructed it to transmit the redacted versions of the victims’ dossiers on a rolling basis and at the latest within thirty days from the date it receives the information from the relevant Common Legal Representatives of the victims about the victims’ consent for their identities to be transmitted to the Defence.

³ Trial Chamber II, “Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled ‘Reparations Order’”, 25 October 2022, [ICC-01/04-02/06-2786](#).

⁴ Order, para. 34 and Disposition, p. 21.

3. On 8 November 2022, the Registry submitted to the Chamber a list of 173 victim's dossiers, compiled in compliance with the Order, as well as a table containing details extracted from the aforementioned victims' dossiers.⁵
4. On 25 November 2022, the Chamber issued the Decision in which it approved the Sample and instructed *inter alia* the VPRS to transmit the unredacted dossiers of the victims included in the Sample to the Chamber and the common legal representatives of Victims ("CLR(s)")⁶ by 28 November 2022.⁷ The Decision further instructed the CLRs to (1) contact the victims they represent or assist and consult with them as to whether they consent to their identities being disclosed to the Defence, and (2) inform the Defence and the VPRS about the victims' consent, on a rolling basis and within thirty days from the notification of the Decision.⁸ Finally, the Chamber instructed the VPRS to redact the victims' dossiers accordingly, and transmit the redacted victims' dossiers to the Defence, on a rolling basis and within thirty days from the date it receives from the CLRs information about the victims' consent.⁹
5. On 28 November 2022, the Registry transmitted the 173 unredacted victims' dossiers to the Chamber and the CLRs.¹⁰
6. On 12 December 2022, CLR1 informed the VPRS that none of the 17 victims of crimes against child soldiers consulted so far consented to disclose their

⁵ Registry, "Registry submission in compliance with the "Order for the implementation of the Judgment on the appeals against the decision of Trial Chamber VI of 8 March 2021 entitled 'Reparations Order'" (ICC-01/04-02/06-2786)", 8 November 2022, [ICC-01/04-02/06-2788](#).

⁶ Ms Sarah Pellet represents the group of the "victims of crimes against child soldiers" ("CLR1") and Mr Dmytro Suprun represents the group of "victims of the attacks" ("CLR2").

⁷ Decision, para. 34(a) and Disposition, p. 23.

⁸ Decision, paras 34(b) and (c) and Disposition, p. 23

⁹ Decision, para 34(d) and Disposition, p. 23.

¹⁰ Registry, "Registry Transmission of 173 Unredacted Victims' Dossiers to the Chamber and the Legal Representatives of Victims", 28 November 2022, [ICC-01/04-02/06-2795](#).

identities to the Defence.¹¹ On the same day, CLR2 informed the VPRS that none of the 12 victims of the attacks consulted so far consented to disclose their identities to the Defence.¹² The VPRS proceeded thereon to redact the respective victims' dossiers, in accordance with the criteria outlined in the Order,¹³ and in consultation with the CLRs.¹⁴

III. Classification

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annexes to this document are classified confidential *ex parte*, only available to the Defence and CLR1 (for annexes 1 to 16), or only available to the Defence and CLR2 (for annexes 17 to 28), in accordance with the Decision.

IV. Applicable Law

8. The present transmission is submitted in accordance with the Decision.

¹¹ Email from CLR1 to the VPRS, 12 December 2022, at 10:40. The VPRS notes that while it had initially received feedback for 17 applications from CLR1, one application (a/30383/15) was excluded from the Sample by the "Decision on the Trust Fund for Victims' submission of information on certain victims selected in Trial Chamber II's approved sample", issued on 9 January 2023 (ICC-01/04-02/06-2808, p. 8). Consequently, said application is not being transmitted. See also fn. 1, *supra*.

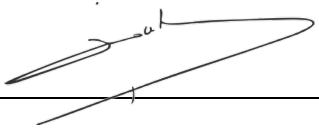
¹² Email from CLR2 to the VPRS, 12 December 2022 at 13:40.

¹³ Order, paras. 35-36; and Decision, paras. 29-30.

¹⁴ For this purpose, the VPRS initiated the consultation by transmitting proposed redactions to the respective CLRVs (emails from VPRS to CLR1, 13 December 2022 at 17:16; and to CLR2, 15 December 2022 at 15:09), who promptly provided their feedback (emails from CLR1 to VPRS, 28 December 2022 at 12:39 and 6 January 2023 at 14:57; and email from CLR2 to VPRS, 6 January 2023 at 09:01). Thereafter, the VPRS proceeded to apply the redactions to the respective victims' dossiers following the CLRs' instructions. In this context, the VPRS notes that the manner in which the redactions are applied to the victims' dossiers may differ between the two victim groups depending on the guidance received from each CLR (for example, for the victims of the group of former child soldiers the identity documents are submitted in a lesser redacted version than for victims of the attacks, to allow the Defence to verify the age of the former victims, as this is a key element of the crimes against child soldiers).

V. Transmission

9. The Registry hereby transmits a first batch of 28 redacted victims' dossiers to the Defence and the respective CLR.¹⁵



Marc Dubuisson
Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 11 January 2023

At The Hague, the Netherlands.

¹⁵ The Registry notes that the remaining redacted victims' dossiers forming part of the Sample will be transmitted to the Defence and the respective CLR on a rolling basis, in conformity with para. 34(d) and p. 23 of the Decision.