

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 May 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*

**With 15 Confidential *EX PARTE* annexes only available to the Defence and CLR1,
and 99 Confidential *EX PARTE* annexes only available to the Defence and CLR2**

**Transmission to the Defence of 106 Lesser Redacted Victims' Dossiers pursuant to
Trial Chamber II's 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:

The Office of the Prosecutor

Karim A. A. Khan
Nicole Samson

Counsel for the Defence

Stephane Bourgon
Kate Gibson
Benjamin Willame

Legal Representatives of the Victims

Sarah Pellet
Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Trust Fund for Victims

Deborah Ruiz Verduzco

Others

I. Introduction

1. Pursuant to Trial Chamber II (“Chamber”)’s decision instructing the Registry to transmit to the Defence redacted victims’ dossiers that are part of the sample compiled by the Victims Participation and Reparations Section (“VPRS”), to be assessed and ruled upon by the Chamber (“Sample” and “Decision on the Sample”),¹ the Registry herein transmits 106 lesser redacted victims’ dossiers² to the Defence and the respective Common Legal Representatives of Victims (“CLRs”).³

II. Procedural History

2. From 11 January to 6 February 2023, in accordance with the Decision on the Sample,⁴ the Registry transmitted to the Defence and the CLRs batches of, respectively, 28, 50, 92 and one victims’ dossiers,⁵ redacted in accordance with the criteria outlined in the Decision on the Sample,⁶ and in consultation with the CLRs.
3. On 2 March 2023, the Defence transmitted to the VPRS two annexes containing tables listing the redactions it contested in the victims’ dossiers.⁷

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](#), paras. 30, 34(d) and Disposition, p. 23, referring to the redactions regime mentioned in 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 October 2022, paras 35-36, [ICC-01/04-02/06-2786](#).

² As further detailed in para. 4 *infra*, the Defence has already been informed of the redactions that have been lifted in each victim dossier. The Registry is hereby updating the redacted victims’ dossiers in the record of the case.

³ The Registry notes that 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”).

⁴ See *supra*, footnote 1.

⁵ Registry, “First Transmission to the Defence of 28 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 11 January 2023, [ICC-01/04-02/06-2809](#); “Second Transmission to the Defence of 50 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 20 January 2023, [ICC-01/04-02/06-2814](#); “Third Transmission to the Defence of 92 Redacted Victim Dossiers pursuant to Trial Chamber II Decision ICC-01/04-02/06-2794”, 27 January 2023, [ICC-01/04-02/06-2816](#); “Transmission to the Defence of One Redacted Victim Dossier pursuant to Trial Chamber II’s Decision”, 6 February 2023, [ICC-01/04-02/06-2825](#).

⁶ Decision on the Sample, paras 29-30.

⁷ Email from Defence to VPRS, 2 March 2023 at 19:10.

4. On 21 and 23 March 2023, the VPRS transmitted to the Defence consolidated tables which listed the redactions in the victims' dossiers that the CLRs agreed and the justifications for each redaction that the CLRs confirmed should remain.⁸
5. On 29 March 2023, the Defence filed a submission *inter alia* requesting the Chamber to review and order the lifting of redactions applied by the VPRS and the CLRs to some of the victims' dossiers ("Defence Request").⁹
6. On 11 April 2023, the CLRs¹⁰ and the Registry¹¹ filed their respective responses to the Defence Request.
7. On 20 April 2023, the Chamber issued the 20 April 2023 Decision, in which it *inter alia*, rejected the Request.¹²

III. Classification

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

⁸ Emails from VPRS to Defence, 21 March 2023 at 20:25 (pertaining to the dossiers of victims represented by CLR2) and 23 March 2023 at 10:14 (pertaining to the dossiers of victims represented by CLR1). The VPRS further informed the Defence that lesser redacted versions of the dossiers would be transmitted in due course.

⁹ Defence, "Request on behalf of the Convicted Person seeking communication of material by the Trust Fund for Victims and the lifting of redactions applied by the Registry and the Legal Representatives of Victims to the victims' dossiers ('Request')", 29 March 2023, [ICC-01/04-02/06-2838](#).

¹⁰ CLR2, "Response of the Common Legal Representative of the Victims of the Attacks to the 'Request on behalf of the Convicted Person seeking communication of material by the Trust Fund for Victims and the lifting of redactions applied by the Registry and the Legal Representatives of Victims to the victims' dossiers'", 11 April 2023, [ICC-01/04-02/06-2840](#). CLR1, "Public redacted version of the 'Response of the Common Legal Representative of the Former Child Soldiers to the 'Request on behalf of the Convicted Person seeking communication of material by the Trust Fund for Victims and the lifting of redactions applied by the Registry and the Legal Representatives of Victims to the victims' dossiers' (ICC-01/04-02/06-2838)" No. ICC-01/04-02/06-2841-Conf, dated 11 April 2023", 12 April 2023, [ICC-01/04-02/06-2841-Red](#).

¹¹ Registry, "Registry Observations on Defence Request (ICC-01/04-02/06-2838)", 11 April 2023, [ICC-01/04-02/06-2842](#).

¹² 20 April 2023 Decision, p. 11.

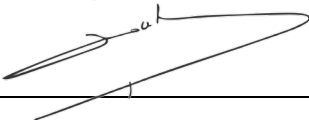
IV. Applicable Law

9. The present transmission is submitted by the Registry in accordance with the Decision on the Sample.

V. Transmission

10. The Registry hereby transmits:

- Two lists, each one containing the reference numbers of victims whose dossiers, or part of their dossiers,¹³ are transmitted in a lesser redacted version (Annexes 1 and 2), available to the Defence and each respective CLR.
- The lesser redacted versions of 106 victims' dossiers,¹⁴ available to the Defence and CLR1 (see List in Annex 1) and CLR2(see List in Annex 2), respectively.



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

Dated this 30 May 2023

At The Hague, the Netherlands

¹³ Some of the victims' dossiers contain both a participation form and a consultation form. The Registry is therefore transmitting 106 victims' dossiers, as well as six consultation forms (a total of 112 forms).

¹⁴ The Registry notes that since their last transmission to the Defence, 29 of these dossiers were supplemented with additional information by CLR2. See CLR2, "Submissions by the Common Legal Representative of the Victims of the Attacks on the dossiers of the victims included in the Sample", 3 March 2023, [ICC-01/04-02/06-2836](#). These 29 dossiers are hereby transmitted in a consolidated version (as listed in Annex 2).