

Annex A: Procedural History

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A. Proceedings leading to the 2022 Appeals Chamber Judgment

1. On 8 July 2019, the Trial Chamber rendered the Conviction Decision, in which it found Mr Ntaganda guilty of five counts of crimes against humanity (murder and attempted murder, rape, sexual slavery, persecution, forcible transfer and deportation) and thirteen counts of war crimes (murder and attempted murder, intentionally directing attacks against civilians, rape, sexual slavery, pillage, ordering the displacement of the civilian population, conscripting and enlisting children under the age of 15 years into an armed group and using them to participate actively in hostilities, intentionally directing attacks against protected objects, and destroying the adversary's property).¹
2. On 8 March 2021, the Trial Chamber issued the 2021 Reparations Order.²
3. On 12 September 2022, the Appeals Chamber issued the 2022 Appeals Chamber Judgment, which partially reversed the 2021 Reparations Order and remanded the matter to the Trial Chamber.³
4. The Appeals Chamber refers to the detailed procedural history leading to the 2022 Appeals Chamber Judgment as set out in Annex A to that judgment.⁴

B. Trial Chamber proceedings further to the 2022 Appeals Chamber Judgment

5. On 14 July 2023, the Trial Chamber issued the Impugned Decision.⁵ In that decision, the Trial Chamber outlined the procedural history following the 2022 Appeals Chamber Judgment and leading to the Impugned Decision.⁶
6. In the present judgment, the Appeals Chamber sets out the relevant procedural background to each ground of appeal as a part of its consideration of that ground.

¹ [Conviction Decision](#). On 30 March 2021, the Appeals Chamber confirmed the Conviction Decision: see [Appeals Chamber Judgment on Conviction](#).

² [2021 Reparations Order](#).

³ [2022 Appeals Chamber Judgment](#), p. 11, para. 759.

⁴ See [Annex A to 2022 Appeals Chamber Judgment](#).

⁵ [Impugned Decision](#).

⁶ See [Impugned Decision](#), paras 1-14.

C. Proceedings before the Appeals Chamber in relation to the present appeals

7. On 16 August 2023, Victims Group 2 filed a notice of appeal against the Impugned Decision, which also contained a request for suspensive effect in relation to the determination in the Impugned Decision of the eligibility of victims a/01636/13, a/00212/13, a/00199/13 and a/00215/13.⁷

8. On the same day, the Defence filed a notice of appeal against the Impugned Decision,⁸ and, separately, a request for suspensive effect of the Impugned Decision.⁹

9. On 18 August 2023, the Appeals Chamber appointed Judge Gocha Lordkipanidze as the Presiding Judge in the appeals against the Impugned Decision.¹⁰

10. On 22 August 2023, the Appeals Chamber issued an order inviting the TFV, pursuant to rule 103(1) of the Rules, to submit observations on the requests for suspensive effect of Victims Group 2 and the Defence, and setting a time limit for Victims Group 2 and the Defence to respond to the respective request for suspensive effect and to any observations filed by the TFV.¹¹

11. On 23 August 2023, the Appeals Chamber, via email, invited Victims Group 1 to respond to the requests of Victims Group 2 and the Defence for suspensive effect, as well as to the TFV's observations on the requests.¹²

12. On 31 August 2023, the TFV filed its observations on the requests for suspensive effect and requested the Appeals Chamber to grant the TFV an opportunity to submit observations pursuant to rule 103 of the Rules.¹³

13. On 7 September 2023, the Defence filed its response to Victims Group 2's request for suspensive effect and to the TFV's observations.¹⁴

⁷ [Victims Group 2's Notice of Appeal and Request for Suspensive Effect.](#)

⁸ [Defence Notice of Appeal.](#)

⁹ [Defence Request for Suspensive Effect.](#)

¹⁰ [Decision to Appoint Judge Lordkipanidze as the Presiding Judge.](#)

¹¹ [2023 Order for Time Limit for Responses and Invitation for TFV Observations.](#)

¹² Email sent on behalf of the Appeals Chamber to Victims Group 1 on 23 August 2023 at 17:13.

¹³ [TFV's Observations on Defence's Request for Suspensive Effect and Request under Rule 103.](#)

¹⁴ [Defence Response to Procedural Issues.](#)

14. On the same day, Victims Group 1 and Victims Group 2 each filed their responses to the Defence request for suspensive effect and to the TFV's observations.¹⁵

15. On 5 October 2023, further to a request from the Defence¹⁶ which was not opposed by either group of victims,¹⁷ the Appeals Chamber granted an extension of the time limit for the filing of the appeal briefs of both the Defence and Victims Group 2 to 30 October 2023.¹⁸ The Appeals Chamber further held that the responses may be filed within 60 days of notification of the appeal briefs, pursuant to regulation 59 of the Regulations.¹⁹

16. On 30 October 2023, Victims Group 2 and the Defence filed their respective appeal briefs against the Impugned Decision.²⁰

17. On 2 January 2024, Victims Group 1 and Victims Group 2 filed their responses to the Defence Appeal Brief;²¹ and the Defence filed its response to Victims Group 2's Appeal Brief.²²

18. On 5 February 2024, the Appeals Chamber rendered a decision in which it: (i) rejected the requests for suspensive effect; (ii) held that, at that stage of the proceedings, it did not deem

¹⁵ [Victims Group 1's Response to Procedural Issues](#); [Victims Group 2's Response to Procedural Issues](#). Further to an order of the Appeals Chamber on reclassification issued on 13 September 2023 (see [Order Concerning Reclassification](#)) and a subsequent Appeals Chamber's instruction on the same date, Victims Group 2's Response to Procedural Issues was reclassified as public. See email correspondence from Victims Group 2 dated 13 September 2023 at 11:32; Email correspondence from the Court Management Section dated 13 September 2023 at 18:30.

¹⁶ Email correspondence from the Defence dated 29 September 2023 at 19:03.

¹⁷ Email correspondence from Victims Group 2 dated 2 October 2023 at 12:09; Email correspondence from Victims Group 1 dated 2 October 2023 at 12:30 and at 14:34.

¹⁸ Email sent on behalf of the Appeals Chamber to the parties and participants on 5 October 2023 at 15:21 communicating its confidential Decision on the Defence's request for an extension of time. On an exceptional basis, the Appeals Chamber ruled on this matter by email so as to proceed in a manner that was as expeditious and practical as possible in the circumstances that existed at the time, noting that the Defence had submitted its request electronically as a result of technical issues which were being experienced by the Court. The Defence submitted that the technical issues faced by the Court at that time constituted good cause for it to be granted an extension of fourteen days to file its appeal brief. Victims Group 2 did not oppose that request as long as the same extension of time was granted for the filing of their appeal brief. Victims Group 1 did not oppose either request. Pursuant to regulation 35(2) of the Regulations, the Appeals Chamber found that the Defence had shown that the technical issues then facing the Court – and the impact that they were having on the Defence's ability to prepare its appeal brief – constituted good cause for the Defence to be granted the extension of time that it sought for the filing of its appeal brief. The Appeals Chamber further noted that neither group of victims opposed the Defence's request and that an equivalent extension of time for the filing of their appeal brief would be granted to Victims Group 2.

¹⁹ Email sent on behalf of the Appeals Chamber to the parties and participants on 5 October 2023 at 15:21 communicating its confidential Decision on the Defence's request for an extension of time.

²⁰ [Victims Group 2's Appeal Brief](#); [Defence Appeal Brief](#).

²¹ [Victims Group 1's Response to the Defence Appeal Brief](#); [Victims Group 2's Response to the Defence Appeal Brief](#).

²² [Defence Response to Victims Group 2's Appeal Brief](#).

it necessary to receive further observations pursuant to rule 103 of the Rules; and (iii) decided that it would, in due course, in its new composition, rule upon whether or not to hold a hearing in these appeals.²³

19. On 12 March 2024, the Presidency assigned Judge Tomoko Akane and Judge Erdenebalsuren Damdin to the Appeals Division,²⁴ thereby changing the composition of the Appeals Chamber in the present appeals, as those two Judges replaced Judge Piotr Hofmański and Judge Marc Perrin de Brichambaut.

20. On 17 April 2024, the Appeals Chamber rendered a decision, in which it held that it did not deem it necessary to hold a hearing at that stage of the proceedings, and stated that, should it later appear, during the course of its further deliberations, that the holding of a hearing was necessary, further directions would be issued at that time.²⁵

²³ [2024 Decision on Suspensive Effect and other Procedural Issues](#), p. 4, paras 38-55, 63-64.

²⁴ [Presidency Decision of 12 March 2024](#), p. 4.

²⁵ [2024 Decision on Whether to Hold a Hearing](#), p. 3, para. 13.