

Public

Annex 1

Procedural Background

1. On 8 July 2019, Trial Chamber VI (the “Chamber”) found Mr Bosco Ntaganda guilty of 18 counts of war crimes and crimes against humanity.¹
2. On 25 July 2019, the Chamber designated Judge Chang-ho Chung as the Single Judge for reparations issues.² On the same day, the Single Judge issued an “Order for preliminary information on reparations”, whereby he requested certain information and observations from the Registry to be submitted by 5 September 2019.³
3. On 5 September 2019, the Registry filed its submissions pursuant to the Single Judge’s order of 25 July 2019.⁴
4. On 3 October 2019, the Trust Fund for Victims (the “TFV”),⁵ both teams of the Common Legal Representatives of Victims,⁶ and the Defence,⁷ respectively, filed their observations in response to the Registry’s submissions of 5 September 2019.⁸
5. On 7 November 2019, Mr Ntaganda was sentenced to 30 years of imprisonment.⁹

¹ See the “Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2359](#), 8 July 2019.

² See the “Decision notifying the designation of a Single Judge” (Trial Chamber VI), [No. ICC-01/04-02/06-2365](#), 25 July 2019, para. 3.

³ See the “Order for preliminary information on reparations” (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2366](#), 25 July 2019, para. 4(a).

⁴ See the “Registry’s observations pursuant to the Single Judge’s ‘Order for preliminary information on reparations’ of 25 July 2019, ICC-01/04-02/06-2366”, [No. ICC-01/04-02/06-2391](#), 6 September 2019.

⁵ See the “Trust Fund for Victims’ response to the Registry’s Preliminary Observations pursuant to the Order for Preliminary Information on Reparations”, [No. ICC-01/04-02/06-2428](#), 3 October 2019.

⁶ See the “Joint Response of the Legal Representatives of Victims to the Registry’s Observations on Reparations”, [No. ICC-01/04-02/06-2430](#), 3 October 2019.

⁷ See the “Response on behalf of Mr. Ntaganda to Registry’s preliminary observations on reparations”, [No. ICC-01/04-02/06-2431](#), 3 October 2019.

⁸ See the Email communication from the Chamber to the parties and Registry of 18 September 2019 at 18:05. See also the “Request for a variation of time limit to submit the Defence response to ‘Registry’s observations, pursuant to the Single Judge’s ‘Order for preliminary information on reparations’ of 25 July 2019, No. ICC-01/04-02/06-2366”, [No. ICC-01/04-02/06-2411](#), 18 September 2019.

⁹ See the “Sentencing Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2442](#), 7 November 2019.

6. On 20 November 2019, the Chamber was recomposed.¹⁰ Judge Chang-ho Chung has remained the Single Judge for the purposes of the reparations phase of the proceedings.¹¹

7. On 5 December 2019, the Single Judge issued an “Order setting deadlines in relation to reparations”, whereby he set a number of deadlines, including the relevant deadlines for the Registry’s, the parties’, the TFV’s, the Prosecution’s and the DRC authorities’ written submissions on reparations.¹²

8. On 28 February 2020, the Legal Representative filed his submissions on reparations.¹³ The Common Legal Representative for the former Child Soldiers,¹⁴ the Defence,¹⁵ the TFV,¹⁶ the Prosecution¹⁷ and the Registry¹⁸ also filed their respective submissions on reparations.

¹⁰ See the “Decision re-composing Trial Chamber VI” (Presidency), [No. ICC-01/04-02/06-2444](#), 20 November 2019, p. 3.

¹¹ See the “Decision notifying the election of the Presiding Judge and the designation of a Single Judge” (Trial Chamber VI), [No. ICC-01/04-02/06-2445](#), 22 November 2019, para. 5.

¹² See the “Order setting deadlines in relation to reparations” (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2447](#), 5 December 2019.

¹³ See the “Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations”, [No. ICC-01/04-02/06-2477-Conf](#), 28 February 2020. A public redacted version was filed on the same day as [No. ICC-01/04-02/06-2477-Red](#). Corrigenda of these submissions were filed on 20 November 2020. See the “Corrigendum of the ‘Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations’”, [No. ICC-01/04-02/06-2477-Conf-Corr](#), 20 November 2020 and the corresponding public redacted version “Corrigendum of the ‘Public redacted version of the ‘Submissions by the Common Legal Representative of the Victims of the Attacks on Reparations’””, [No. ICC-01/04-02/06-2477-Red-Corr](#), 20 November 2020.

¹⁴ See the “Submissions on Reparations on behalf of the Former Child Soldiers”, [No. ICC-01/04-02/06-2474](#), 28 February 2020.

¹⁵ See the “Defence Submissions on Reparations”, [No. ICC-01/04-02/06-2479-Conf](#), 28 February 2020. A public redacted version was filed on 6 March 2020 as [No. ICC-01/04-02/06-2479-Red](#).

¹⁶ See the “Trust Fund for Victims’ observations relevant to reparations”, [No. ICC-01/04-02/06-2476](#), 28 February 2020.

¹⁷ See the “Prosecution’s Observations on Reparations”, [No. ICC-01/04-02/06-2478](#), 28 February 2020.

¹⁸ See the “Registry’s Observations on Reparations”, [No. ICC-01/04-02/06-2475](#), with Public Annex 1, [No. ICC-01/04-02/06-2475-Anx1](#), and Confidential *Ex Parte* Annex II, [No. ICC-01/04-02/06-2475-Conf-Exp-AnxII](#), 28 February 2020.

9. On 3 March 2020, the Registry transmitted the DRC authorities' observations on reparations.¹⁹

10. On 6 March 2020, in accordance with the Single Judge's decision,²⁰ the International Organization for Migration filed its *amicus curiae* "Submission of observations on the issues identified under paragraph 9 (c) (i), (ii) and (iii) pursuant to the 'Order setting deadlines in relation to reparations' No. ICC-01/04-02/06".²¹

11. On 9 April 2020, the Single Judge issued an order, whereby the parties and participants were instructed to provide information on the impact of the COVID-19 measures on their ability to carry out their duties in relation to the reparations proceedings by 21 April 2020.²²

12. On 21 April 2020, the Legal Representative filed the "Submissions [...] pursuant to the 'Order to provide information on the impact of COVID-19 measures on operational capacity'".²³ Also on 21 April 2020, the other parties and participants filed their respective submissions on the impact of the COVID-19 measures.²⁴

¹⁹ See the "Transmission des observations de la République démocratique du Congo", [No. ICC-01/04-02/06-2480](#), 3 March 2020, with Confidential Annex, [No. ICC-01/04-02/06-2480-Conf-Anx](#).

²⁰ See the "Decision on request for leave to submit *Amicus Curiae* observations" (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2460](#), 17 January 2020.

²¹ See the "Submission of observations on the issues identified under paragraph 9 (c) (i), (ii) and (iii) pursuant to the 'Order setting deadlines in relation to reparations' No. ICC-01/04-02/06", [No. ICC-01/04-02/06-2483-Conf](#), 6 March 2020.

²² See the "Order to provide information on the impact of COVID-19 measures on operational capacity" (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2507](#), 9 April 2020, paras. 4-5.

²³ See the "Submissions by the Common Legal Representative of the Victims of the Attacks pursuant to the 'Order to provide information on the impact of COVID-19 measures on operational capacity'", [No. ICC-01/04-02/06-2518-Conf-Exp](#), 21 April 2020. A public redacted version of these submissions was filed the same day as [No. ICC-01/04-02/06-2518-Red](#). A confidential redacted version of these submissions was filed on 8 July 2020 as [No. ICC-01/04-02/06-2518-Conf-Red2](#).

²⁴ See the "Defence observations pursuant to 'Order to provide information on the impact of COVID-19 measures on operational capacity'", [No. ICC-01/04-02/06-2515](#), 21 April 2020; the "Observations on the impact of COVID-19 measures on operational capacity on behalf of the former child soldiers", [No. ICC-01/04-02/06-2516](#), 21 April 2020; the "Trust Fund for Victims' observations on the impact of COVID-19 on operational capacity", [No. ICC-01/04-02/06-2517](#), 21 April 2020; the "Registry Submissions pursuant to the 'Order to provide information on the impact of COVID-19 measures on operational capacity'",

13. On 14 May 2020, the Chamber issued the “Decision appointing experts on reparations”.²⁵

14. On 26 June 2020, the Chamber issued the “First Decision on Reparations Process”,²⁶ whereby it provided further instructions to the Registry and set out that the ordinary response deadlines would be applicable to any observations on the Registry’s forthcoming 30 September 2020 report.²⁷ In this Decision, the Chamber further invited the parties and the TFV to make, in their final submissions on reparations, observations on (i) whether any type of harm suffered by the victims of Mr Ntaganda’s crimes may be presumed; (ii) whether, as regards the crimes of rape and sexual slavery, children born out of rape should be presumed as having suffered harm as a result of the commission of said crimes, and (iii) whether a lower burden of proof should be retained in cases of sexual violence.²⁸

15. On 20 July 2020, the Chamber granted a request from the Experts, whereby they sought an extension of time to file their report, and set the new deadline for 30 October 2020.²⁹

16. On 11 September 2020, the Defence filed a “[...] request seeking clarification and/or further guidance following the ‘First Decision on Reparations Process’ and

ICC-01/04-02/06-2507”, [No. ICC-01/04-02/06-2519-Conf](#), 21 April 2020. A public redacted version of the Registry submissions was filed the same day as [No. ICC-01/04-02/06-2519-Red](#).

²⁵ See the “Public redacted version of the ‘Decision appointing experts on reparations’” (Trial Chamber VI), [No. ICC-01/04-02/06-2528-Red](#), 14 May 2020.

²⁶ See the “First Decision on Reparations Process” (Trial Chamber VI), [No. ICC-01/04-02/06-2547](#), 26 June 2020.

²⁷ *Idem*, para. 44.

²⁸ *Idem*, para. 46.

²⁹ See the “Decision on Request for an Extension of Time for Filling Experts’ Report” (Trial Chamber VI), [No. ICC-01/04-02/06-2553](#), 20 July 2020.

Request seeking extension of time to submit observations on the Registry 30 September Report”.³⁰

17. On 24 September 2020, the Common Legal Representatives filed a joint response to the Defence’s 11 September 2020 Request, opposing the request for clarification and supporting the request for an extension of time.³¹

18. On 29 September 2020, the Single Judge rejected the Defence’s request for clarification and granted the request for extension of time, ordering the Defence and the Common Legal Representatives to file their observations in relation to any key legal and factual issues identified in the Registry’s report on reparations by 30 October 2020.³²

19. On 1 October 2020, the Registry filed its “[...] First Report on Reparations”.³³

20. On 30 October 2020, the parties responded to the Registry’s First Report on Reparations.³⁴

³⁰ See the “Defence request seeking clarification and/or further guidance following the ‘First Decision on Reparations Process’ and Request seeking extension of time to submit observations on the Registry 30 September Report”, [No. ICC-01/04-02/06-2578](#), 11 September 2020.

³¹ See the “Joint Response of the Common Legal Representatives of Victims on the ‘Defence request seeking clarification and/or further guidance following the ‘First Decision on Reparations Process’ and Request seeking extension of time to submit observations on the Registry 30 September Report”, [No. ICC-01/04-02/06-2600](#), 24 September 2020.

³² See the “Decision on the Defence request seeking clarifications and/or further guidance following the ‘First Decision on Reparations Process’ and Request seeking an extension of time to submit observations on the Registry 30 September Report” (Trial Chamber VI, Single Judge), [No. ICC-01/04-02/06-2601](#), 29 September 2020, para. 8.

³³ See the “Registry’s First Report on Reparations”, [No. ICC-01/04-02/06-2602](#), 1 October 2020, with Confidential Annex I, [No. ICC-01/04-02/06-2602-Conf-AnxI](#), Confidential Annex II, [No. ICC-01/04-02/06-2602-Conf-AnxII](#), Confidential Annex III, [No. ICC-01/04-02/06-2602-Conf-AnxIII](#), Confidential Annex IV, [No. ICC-01/04-02/06-2602-Conf-AnxIV](#), and Confidential Annex V, [No. ICC-01/04-02/06-2602-Conf-AnxV](#).

³⁴ See the Observations of the Common Legal Representative of the Former Child Soldiers on the “Registry’s First Report on Reparations”, [No. ICC-01/04-02/06-2620-Conf](#), 30 October 2020; the “Observations of the Common Legal Representative of the Victims of the Attacks on the Registry’s First Report on Reparations”, [No. ICC-01/04-02/06-2621-Conf](#), 30 October 2020; and the “Defence

21. In accordance with a short adjournment granted by the Chamber,³⁵ the Registry filed its “[...] Transmission of Appointed Experts’ Reports” with two ‘confidential *ex parte* Registry only’ Annexes on 2 November 2020.³⁶

22. Also on 2 November 2020, the Registry filed the confidential redacted versions of the Expert Reports.³⁷

23. On 3 November 2020, the Registry filed the public redacted versions of the Expert Reports.³⁸

24. On 9 November 2020, the Legal Representative filed a request for an order to the Registry to collect information relevant to the reparations proceedings.³⁹

25. On 18 and 20 November 2020, respectively, the Registry and the Defence filed their observations in response to the Legal Representative’s 9 November request.⁴⁰

Observations on the Registry First Report on Reparations”, [No. ICC-01/04-02/06-2622-Conf](#), 30 October 2020.

³⁵ See the Email communication from the Chamber to the Registry and parties, on 30 October 2020 at 15:56.

³⁶ See the “Registry Transmission of Appointed Experts’ Reports”, [No. ICC-01/04-02/06-2623](#), 30 October 2020.

³⁷ See the “Annex 1 to the Registry Transmission of Appointed Experts’ Reports”, [No. ICC-01/04-02/06-2623-Conf-Anx1-Red](#), 2 November 2020; and the “Annex 2 to the Registry Transmission of Appointed Experts’ Reports”, [No. ICC-01/04-02/06-2623-Conf-Anx2-Red](#), 2 November 2020.

³⁸ See the “Annex 1 to the Registry Transmission of the Appointed Experts’ Reports”, [No. ICC-01/04-02/06-2623-Anx1-Red2](#), 3 November 2020; and the “Annex 2 to the Registry Transmission of the Appointed Experts’ Reports”, [No. ICC-01/04-02/06-2623-Anx2-Red2](#), 3 November 2020.

³⁹ See the “Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations”, [No. ICC-01/04-02/06-2624](#), 9 November 2020.

⁴⁰ See the “Registry’s Observations on the “Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations” of 9 November 2020, ICC-01/04-02/06-2624”, [No. ICC-01/04-02/06-2627](#), 18 November 2020. See also the “Defence response to “Request of the Common Legal Representative of the Victims of the Attacks for an Order to the Registry to collect information pertaining to reparations”, 9 November 2020, ICC-01/04-02/06-2624”, [No. ICC-01/04-02/06-2628](#), 20 November 2020.

26. On 15 December 2020, the Chamber issued the “Decision on issues raised in the Registry’s First Report on Reparations”,⁴¹ wherein it provided “*guidance to the Registry in the context of its assessment of the potential eligibility of victims with a view to determining the overall number of victims that may be potentially eligible for reparations*”.⁴² The Chamber further instructed the Registry to conclude by 15 January 2021, the assessment of how many participating victims may potentially be eligible for reparations, and extended the deadline for the Registry to file its Second Report on Reparations to 15 January 2021.⁴³

⁴¹ See the “Decision on issues raised in the Registry’s First Report on Reparations” (Trial Chamber VI), [No. ICC-01/04-02/06-2630](#), 15 December 2020.

⁴² *Idem*, para. 12.

⁴³ *Idem*, p. 27.