

Situation in the Democratic Republic of the Congo

ICC-PIDS-CIS-DRC-02-014/19_Eng

The Prosecutor v. Bosco Ntaganda

Updated: July 2019

ICC-01/04-02/06

Bosco Ntaganda

Accused of 13 counts of war crimes and 5 crimes against humanity committed in Ituri (DRC). Trial opened on 2 September 2015 and closing statements heard from 28 to 30 August 2018. Found guilty on 8 July 2019. In ICC custody.



Date of birth: 5 November 1973

Age: Around 41 years old

Place of birth: Rwanda

Nationality: Congolese

Former status: Former Deputy Chief of the Staff and commander of operations of the *Forces Patriotiques pour la Libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC)

Warrants of arrest: First warrant of arrest: Issued under seal on 22 August 2006; unsealed on 28 April 2008

Second warrant of arrest: Issued on 13 July 2012

Voluntary surrender to the ICC's custody: 22 March 2013

Current status: In ICC custody

Initial appearance: 26 March 2013

Confirmation of charges hearing: 10-14 February 2014

Decision on the confirmation of charges: 9 June 2014

Trial opening: 2 September 2015

Closing statements: 28- 30 August 2018

Judgement: 8 July 2019

Charges

Mr Ntaganda was found guilty of crimes against humanity (murder and attempted murder, rape, sexual slavery, persecution, forcible transfer and deportation) and war crimes (murder and attempted murder, intentionally directing attacks against civilians, rape, sexual slavery, 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). While the evidence did not sustain all incidents indicated by the Prosecutor, it did demonstrate that in relation to each of the 18 counts at least part of the charges were proven beyond any reasonable doubt.

The Chamber has found that Mr Ntaganda was liable as a direct perpetrator for parts of the charges of three of the crimes, namely murder as a crime against humanity and a war crime and persecution as a crime against humanity, and was an indirect perpetrator for the other parts of these crimes. He was convicted as an indirect perpetrator for the remaining crimes.

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

The DRC ratified the Rome Statute, the founding instrument of the International Criminal Court, on 11 April 2002.

On 3 March 2004, the Government of the DRC referred to the Court the situation (the events falling under the Court's jurisdiction) in its territory since the entry into force of the Rome Statute on 1 July 2002. After a preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004.

WARRANTS OF ARREST

Following his initial investigation into crimes allegedly committed in the Ituri District since 1 July 2002, the Prosecution filed an application for the issuance of a warrant of arrest for Bosco Ntaganda on 12 January 2006.

On 22 August 2006, Pre-Trial Chamber issued a warrant of arrest under seal for Mr Ntaganda. On 28 April 2008, Pre-Trial Chamber decided to unseal the warrants of arrest for Mr Ntaganda.

On 13 July 2012, Pre-Trial Chamber II issued a second arrest warrant for Mr Ntaganda, based on an application for a second warrant by the Prosecution of 14 May 2012.

On 22 March 2013, Bosco Ntaganda surrendered himself voluntarily and is now in the ICC's custody. His initial appearance hearing took place before Pre-Trial Chamber II on 26 March 2013.

CONFIRMATION OF CHARGES

The confirmation of charges hearing in the case was held on 10-14 February 2014. A total amount of approximately 69,000 pages of evidence was disclosed between the parties and submitted to the Chamber for its determination.

Based on the evidence submitted to its consideration, the Chamber confirmed the charges of war crimes and crimes against humanity against Bosco Ntaganda on 9 June 2014, and committed him for trial before a Trial Chamber.

TRIAL

The trial of Mr Ntaganda opened on 2 September 2015 and closing statements from 28 to 30 August 2018.

Over the course of 248 hearings, the Chamber heard 80 witnesses and experts called by the Office of the ICC Prosecutor, Ms Fatou Bensouda, 19 witnesses called by the Defence team lead by Mr Stéphane Bourgon and three witnesses called by the legal representatives of the victims participating in the proceedings, as well as five victims who presented their views and concerns.

A total of 2 129 victims, represented by their legal counsel, Ms Sarah Pellet and Mr Dmytro Suprun from the ICC Office for Public Counsel for the Victims, participated in the trial after having been authorised by the Chamber to do so.

The Trial Chamber issued 347 written decisions and 257 oral decisions during the trial phase. 1791 items were admitted into evidence. After the presentation of evidence, the Chamber received written closing submissions from the parties and the Legal Representatives of Victims; in total more than 1 400 pages. The total number of filings of the parties and participants and the Chamber's decisions is more than 2300 filings.

JUDGMENT

On 8 July 2019, Trial Chamber VI found Mr Bosco Ntaganda guilty, beyond reasonable doubt, of 18 counts of war crimes and crimes against humanity, committed in Ituri, DRC, in 2002-2003.

Trial Chamber VI found that the Union des Patriotes Congolais [Union of Congolese Patriots] (UPC) and its military wing, the Forces Patriotiques pour la Libération du Congo [Patriotic Force for the Liberation of Congo] (FPLC), were at all times involved in at least one non-international armed conflict with an opposing party, in Ituri, district of the DRC from on or about 6 August 2002 to on or about 31 December 2003. The conduct of the UPC/FPLC against the civilian population was the intended outcome of a preconceived strategy to target the civilian population, and the crimes committed took place pursuant to a policy of the UPC/FPLC. Mr Ntaganda fulfilled a very important military function in the UPC/FPLC.

In this context, the Chamber found Mr Ntaganda guilty of crimes against humanity (murder and attempted murder, rape, sexual slavery, persecution, forcible transfer and deportation) and war crimes (murder and attempted murder, intentionally directing attacks against civilians, rape, sexual slavery, 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). While the evidence did not sustain all incidents indicated by the Prosecutor, it did demonstrate that in relation to each of the 18 counts at least part of the charges were proven beyond any reasonable doubt.

The Chamber has found that Mr Ntaganda was liable as a direct perpetrator for parts of the charges of three of the crimes, namely murder as a crime against humanity and a war crime and persecution as a crime against humanity, and was an indirect perpetrator for the other parts of these crimes. He was convicted as an indirect perpetrator for the remaining crimes.

NEXT STEPS

In order to determine Mr Ntaganda's sentence in this case, the Chamber will receive submissions from the parties and participants regarding the possible sentence, and will schedule a separate hearing, to receive evidence and address matters related to sentencing. Pending the decision on sentencing, Mr Ntaganda continues to be detained.

The parties (the Prosecution and Defence) may appeal the decision of conviction within thirty days. Issues related to the procedure for victims' reparations will be addressed in due course.

LEGAL AID

Mr Ntaganda is provisionally considered as indigent and the costs of his defence are temporarily supported by the Court. This will be reviewed once the investigation into Mr Ntaganda's assets has been completed.

Composition of Trial Chamber VI

Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Nicole Samson, Senior Trial Lawyer

Defence Counsel for Bosco Ntaganda

Stéphane Bourgon
Luc Boutin

Legal Representatives of the Victims

Sarah Pellet
Dmytro Suprun