

Situation in the Democratic Republic of the Congo

ICC-PIDS-CIS-DRC-02-018/21\_Eng

***The Prosecutor v. Bosco Ntaganda***

Updated: July 2021

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. Sentenced to 30 years imprisonment on 7 November 2019. Verdict and sentence confirmed in appeals on 30 March 2021. In ICC custody.



**Date of birth:** 5 November 1973

**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

**Sentence:** 7 November 2019

**Reparations Order:** 8 March 2021

**Appeals judgment:** 30 March 2021

## 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. On 30 March 2021, the ICC Appeals Chamber [confirmed](#) the conviction and the sentence

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## 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.

## SENTENCE

On 7 November 2019, Trial Chamber VI sentenced Bosco Ntaganda to a total of 30 years of imprisonment. The time Mr Ntaganda has spent in detention at the ICC - from 22 March 2013 to 7 November 2019 - will be deducted from this sentence.

## REPARATIONS

On 8 March 2021, Trial Chamber VI delivered its [Order on Reparations to victims](#) against Mr Ntaganda, to be made through the Trust Fund for Victims.. The Chamber set the total reparations award for which Mr Ntaganda is liable at USD 30,000,000. Because Mr Ntaganda was found to be indigent for the purposes of reparations, the Chamber encouraged the Trust Fund for Victims to complement the reparation awards to the extent possible within its available resources and to engage in additional fundraising efforts to complement the totality of the award.

The Chamber, established that, in light of the crimes for which Mr Ntaganda was convicted, eligible victims include: direct and indirect victims of the attacks, of crimes against child soldiers, of rape and sexual slavery, and children born out of rape and sexual slavery.

The Chamber awarded collective reparations with individualised components. The modalities of reparations may include measures of restitution, compensation, rehabilitation, and satisfaction, which may incorporate, when appropriate, a symbolic, preventative, or transformative value.

Priority shall be given to individuals who require immediate medical and psychological care, victims with disabilities and the elderly, victims of sexual or gender-based violence, victims who are homeless or experiencing financial hardship, as well as children born out of rape and sexual slavery and former child soldiers.

The Trust Fund for Victims was instructed to design a draft implementation plan on the basis of all the modalities of reparations identified in the Order, in consultation with the victims. The Trust Fund for victims will have to submit its general draft implementation plan by 8 September 2021, at the latest, and an urgent plan for the priority victims no later than 8 June 2021.

## APPEALS

Mr Ntaganda and the Prosecutor have appealed the [verdict](#) and Mr Ntaganda has appealed the [sentencing judgement](#).

On 30 March 2021, the ICC Appeals Chamber [confirmed](#) the conviction and the sentence in this case. These two decisions are now final.

Mr Ntaganda will remain in the ICC detention center in The Hague (The Netherlands) until the ICC Presidency determines in which country he will serve his sentence.

## LEGAL AID

Mr Ntaganda is provisionally considered as indigent and the costs of his defence are temporarily supported by the Court.

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### Composition of Trial Chamber II

[Judge Chang-ho Chung](#) (Presiding judge)

[Judge Péter Kovács](#)

[Judge Socorro Flores Liera](#)

### Representation of the Office of the Prosecutor

Karim A.A. Khan QC, Prosecutor

James Stewart, Deputy Prosecutor

Nicole Samson, Senior Trial Lawyer

### Defence Counsel for Bosco Ntaganda

Stéphane Bourgon

Kate Gibson

### Legal Representatives of the Victims

Sarah Pellet

Dmytro Suprun