

Situation in the Democratic Republic of the Congo

ICC-PIDS-CIS-DRC-02-011/15\_Eng

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

Updated: January 2017

ICC-01/04-02/06

## Bosco Ntaganda

Accused of 13 counts of war crimes and 5 crimes against humanity committed in Ituri (DRC). Charges confirmed on 9 June 2014. Trial opened on 2 September 2015 in The Hague. 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

## Charges

On 9 June 2014, Pre-Trial Chamber II unanimously confirmed charges consisting in 13 counts of war crimes (murder and attempted murder; attacking civilians; rape; sexual slavery of civilians; pillaging; displacement of civilians; attacking protected objects; destroying the enemy's property; and rape, sexual slavery, enlistment and conscription of child soldiers under the age of fifteen years and using them to participate actively in hostilities) and 5 counts of crimes against humanity (murder and attempted murder; rape; sexual slavery; persecution; forcible transfer of population) against Bosco Ntaganda.

The Chamber found that there was a widespread and systematic attack against the civilian population pursuant to an organisational policy adopted by the Union des Patriotes Congolais/Forces Patriotiques pour la Libération du Congo (UPC/FPLC) to attack civilians perceived to be non-Hema, such as those belonging to Lendu, Bira and Nande ethnic groups. The attack took place between on or about 6 August 2002 and on or about 27 May 2003, in Ituri Province, Democratic Republic of the Congo (DRC). In addition, the Chamber found that a non-international armed conflict between the UPC/FPLC and other organized armed groups took place between on or about 6 August 2002 and on or about 31 December 2003 in Ituri Province, DRC.

As part of the widespread and systematic attack against the non-Hema civilian population and in the context of the non-international armed conflict, the crimes with which Bosco Ntaganda is charged were committed during two specific attacks, in addition to war crimes committed by the UPC/FPLC throughout the conflict. These specific attacks were carried out in identified locations in or around Banyali-Kilo collectivité between on or about 20 November and on or about 6 December 2002 and in or around identified locations in Walendu-Djatsi collectivité between on or about 12 and on or about 27 February 2003.

Bosco Ntaganda bears individual criminal responsibility pursuant to different modes of liability, namely: direct perpetration, indirect co-perpetration (article 25(3)(a) of the Statute); ordering, inducing (article 25(3)(b) of the Statute); any other contribution to the commission or attempted commission of crimes (article 25(3)(d) of the Statute); or as a military commander for crimes committed by his subordinates (article 28(a) of the Statute).

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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 OPENING

The trial's opening statements took place on 2-3 September 2015 before Trial Chamber VI at the seat of the Court. The Prosecution started presenting its evidence on 15 September 2015.

### 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.

### PARTICIPATION OF VICTIMS

2149 victims have been granted the right to participate in the Ntaganda trial and are represented by legal representatives Sarah Pellet and Dmytro Suprun.

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#### 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