



Questions and answers

Situation in the Democratic Republic of the
Congo

The Prosecutor v. Bosco Ntaganda

Case n° ICC-01/04-02/06

Questions and answers on the
Confirmation of charges hearing



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On 10-14 February 2014, the confirmation of charges hearing in the case *The Prosecutor v. Bosco Ntaganda* will be held before Pre-Trial Chamber II of the International Criminal Court (ICC). The confirmation of charges hearing is a public hearing after which the Chamber will decide whether or not to confirm all or any of the charges brought against Bosco Ntaganda and, if confirmed, to commit him for trial. Pre-Trial Chamber II is composed of Judge Ekaterina Trendafilova, Presiding Judge (Bulgaria), Judge Hans-Peter Kaul (Germany) and Judge Cuno Tarfusser (Italy).

1. Who is Bosco Ntaganda and what crimes is he charged with?

The ICC has issued two warrants of arrest for Bosco Ntaganda. As the former alleged Deputy Chief of the General Staff of the *Forces Patriotiques pour la Libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC), Mr Ntaganda is suspected of thirteen counts of war crimes (murder and attempted murder of civilians, attacks against a civilian population, rape of civilians, rape of UPC/FPLC child soldiers, sexual slavery of civilians, sexual slavery of UPC/FPLC child soldiers, pillaging, displacement of civilians, conscription of children under the age of 15, enlistment of children under the age of 15, use of children under the age of 15 to participate actively in hostilities, attacks against protected objects, and destruction of property) and five counts of crimes against humanity (murder and attempted murder of civilians, rape of civilians, sexual slavery of civilians, persecution on ethnic grounds, and forcible transfer of population) allegedly committed in Ituri, Democratic Republic of the Congo (DRC) between 1 September 2002 and the end of September 2003. On 22 March 2013, Bosco Ntaganda surrendered himself voluntarily and is now in the ICC's custody.

2. What is a confirmation of charges hearing? Is it a trial?

No, the confirmation of charges hearing is not a trial; nor is it a mini trial. Rather, it is a public hearing during which the ICC's Pre-Trial Chamber will decide whether or not there is enough evidence to proceed to a trial. The judges of the Pre-Trial Chamber consider the charges and decide if there is enough evidence to support each of the allegations. The Pre-Trial Chamber decides whether or not a trial should be held before a Trial Chamber composed of three other judges. The Pre-Trial Chamber does not make a decision about the suspects' innocence or guilt.

3. What will happen during the confirmation of charges hearing?

During this hearing, the Prosecution must provide enough evidence, for each of the charges, to establish substantial grounds to believe that the suspects committed each of the crimes charged.

Bosco Ntaganda will be represented by his counsel, Marc Desalliers, who may object to the charges and will respond to the Prosecutor's presentation of evidence.

Besides the Prosecution and the Defence, the legal representatives of the victims, Sarah Pellet and Dmytro Suprun will make observations and explain the participating victims' concerns before the judges.

4. Will victims participate in the confirmation of charges hearing?

1120 victims have been granted the right to participate in proceedings in the Ntaganda case. The victims will not be present in the courtroom, but they will be represented by their legal representatives, Sarah Pellet and Dmytro Suprun, who will present the victims' views and concerns.

The legal representatives will make opening and closing statements. They will also be authorized to make oral submissions in the course of the confirmation of charges hearing upon motivated request specifying the reasons why the victims' personal interests are affected by the issues concerned.

This voluntary participation of the victims allows them to present an opinion independent from the parties and gives them the opportunity to speak about their own concerns and interests.

5. When will the Pre-Trial Chamber render its decision and which decision can the Chamber issue?

The hearing is scheduled to take place on 10-14 February 2014. The Judges may decide to grant the parties and participants additional time to complete, in writing, their oral presentations.

In accordance with Regulation 53 of the Regulations of the Court, the Pre-Trial Chamber shall deliver its written decision within 60 days from the date the confirmation hearing ends.

The Pre-Trial Chamber may then:

- confirm those charges in relation to which it has determined that there is sufficient evidence. In that event, the case will go to trial before a Trial-Chamber;
- decline to confirm those charges in relation to which it has determined that there is insufficient evidence and adjourn the proceedings against Bosco Ntaganda;
- adjourn the hearing and request the Prosecutor to provide further evidence or conduct further investigations or to amend any charge for which the evidence submitted appears to establish that a crime other than the crime charged was committed.

The Defence and the Prosecution cannot directly appeal this decision however they can request authorisation from the Pre-Trial Chamber to appeal it.