



Summary of Trial Chamber VI's judgment in the case of *The Prosecutor v. Bosco Ntaganda*, issued 8 July 2019

1. Trial Chamber VI, composed of Judges Robert Fremr (Presiding), Kuniko Ozaki, and Chang-ho Chung ('Chamber'), of the International Criminal Court ('Court') delivers its judgment in the case of *The Prosecutor v. Bosco Ntaganda*. The judgment consists of 539 pages and three annexes. The present summary serves to convey the findings made in the judgment that are most relevant for the public. The written judgment, in which the Chamber's analysis of the evidence and its reasoning is set out in detail, is the only authoritative document. The judgment is available to the public in full.

I. Procedural history of the case

2. An investigation into the situation in the Democratic Republic of the Congo ('DRC') was opened in June 2004, following the self-referral by the DRC. An arrest warrant was issued for Mr Bosco Ntaganda on 22 August 2006, followed by a second arrest warrant on 13 July 2012.
3. After having voluntarily surrendered to the Court on 22 March 2013, and through the cooperation of the United States, whose embassy Mr Ntaganda had entered, he was transferred to the Court. A confirmation hearing took place from 10 to 14 February 2014, and on 9 June 2014, Pre-Trial Chamber II confirmed most of the charges the Prosecution had brought against Mr Ntaganda. After the confirmation of the charges, the case was referred to the present Chamber. After confirmation,

but before the start of the trial phase, Mr Ntaganda changed his defence team; following which some additional time was granted to his new defence team to familiarise itself with the case.

4. On 2 September 2015, the trial proceedings commenced when the charges were read out to the accused, and the parties and participants made their opening statements. Over the course of 248 days of hearings, the Chamber heard 102 witnesses, called by the Prosecution, the Defence, and on behalf of the victims, and 1 791 items were admitted into evidence. 2 129 victims have been authorised to participate in this trial and in addition to several victims testifying as witnesses before the Chamber, five further victims presented their views and concerns in person. The Chamber issued 347 written decisions and 257 oral decisions during the trial phase.
5. After the presentation of the evidence, the Chamber received written closing submissions from the parties and the Legal Representatives of Victims; in total more than 1 400 pages. From 28 to 30 August 2018, the parties and participants made their closing statements, after which the Chamber deliberated to come to the present judgment.

II. Charges

6. This case is concerned with alleged conduct by Mr Bosco Ntaganda, as a member of the *Union des Patriotes Congolais* ('UPC') and its military wing, the *Forces Patriotiques pour la Libération du Congo* ('FPLC'), in the events that took place in Ituri district of the DRC from on or about 6 August 2002 to on or about 31 December 2003. In addition to alleged conduct in relation to conscription and enlistment of children under the age of 15 into the UPC/FPLC and their use in hostilities, which was alleged to have occurred throughout the entire temporal scope of the charges, the charges against Mr Ntaganda concern a series of assaults against towns and villages in two *collectivités*, during two specific time periods.

The assaults against towns and villages of the Banyali-Kilo *collectivité* are alleged to have taken place between on or around 20 November 2002 and on or about 6 December 2002, and the alleged assaults in the Walendu-Djatsi *collectivité* between on or about 12 February 2003 and on or about 27 February 2003. Mr Ntaganda is charged with responsibility, under various modes of liability, for 18 counts, including five counts of crimes against humanity and 13 counts of war crimes, namely:

COUNTS 1 and 2: murder and attempted murder as a crime against humanity and as a war crime;

COUNT 3: intentionally attacking civilians as a war crime;

COUNTS 4, 5, and 6: rape as a crime against humanity and as a war crime;

COUNTS 7, 8, and 9: sexual slavery as a crime against humanity and as a war crime;

COUNT 10: persecution as a crime against humanity;

COUNT 11: pillage as a war crime;

COUNT 12: forcible transfer of population as a crime against humanity;

COUNT 13: ordering the displacement of the civilian population as a war crime;

COUNTS 14, 15, and 16: conscription, enlistment and use to participate in active hostilities of children under the age of 15 years as a war crime;

COUNT 17: attacking protected objects as a war crime; and

COUNT 18: destroying the enemy's property as a war crime.

7. Article 74(2) of the Rome Statute of the International Criminal Court ('Statute') requires the Chamber to stay within the bounds of the confirmed charges. These boundaries are defined by the confirmation decision, but this does not exclude that further details about the charges, as confirmed by the Pre-Trial Chamber, may also be contained in other auxiliary documents. Regulation 52(b) of the Regulations of the Court sets out that the charges must contain a statement of the

facts, including the time and place of the alleged crimes, which provides a sufficient legal and factual basis to bring the person to trial. The Chamber has assessed on a case-by-case basis whether the charges are sufficiently specific to comply with Regulation 52(b), taking into account, *inter alia*, the nature of the crime charged and the circumstances of the case.

III. Evaluation of the evidence

8. Pursuant to Article 66 of the Statute, the accused shall be presumed innocent until proven guilty and the onus is on the Prosecution to demonstrate the guilt of the accused. For a conviction, each element of the particular offence charged must be established 'beyond reasonable doubt'. Therefore, all the Chamber's factual findings that underlie its legal findings are established beyond reasonable doubt. When determining whether the applicable evidentiary threshold has been met, the Chamber has carried out a holistic evaluation and weighed all the evidence taken together. In case the evidence would allow for more than one possible finding, the Chamber has made the finding most beneficial to the accused.
9. The Prosecution presented various types of evidence to incriminate the accused. Many of the Prosecution's witnesses were granted protective measures pursuant to the Chamber's duty to ensure the security, privacy, and psychological well-being of witnesses, as enshrined in Article 68 of the Statute and Rule 87 of the Rules of Procedure and Evidence ('Rules'). These witnesses included so-called insider witnesses: former members of the UPC/FPLC, both soldiers and persons who had a non-military role. Some of these soldiers testified that they were below 15 at the relevant time. In addition to the insider witnesses, the Chamber heard crime base witnesses, who testified about had happened to them, or members of their family or communities, during the assaults on the towns and villages. Several of these witnesses are also participating victims.

10. The Chamber identified, based on the parties and participants' submissions or its own observations, a number of issues requiring the credibility of certain witnesses to be discussed on an individual basis. In assessing the credibility of witnesses, the Chamber considered the individual circumstances of each witness, including his or her relationship to the accused, age, any involvement in the events under consideration, any possible bias towards or against Mr Ntaganda, or any motives for telling the truth or providing false testimony.
11. The Chamber has also taken into account that the charges relate to events that occurred a relatively long time ago, in 2002 and 2003. Some witnesses were very young at the time of the events and/or suffered trauma and therefore may have had particular difficulties in providing a fully consistent, complete, and logical account.
12. The Chamber has relied on the evidence of witnesses in relation to whose credibility the Chamber has some reservations, but only to the extent that it was corroborated by other reliable evidence. However, the credibility of certain witnesses was so impugned that they could not be relied upon, even if parts of their testimony were corroborated by other evidence. Certain parts of the testimony of witnesses has not been relied upon, including for a few witnesses who were alleged to be below 15 years old when they were recruited into the UPC/FPLC, regarding their age.
13. The Defence called 19 witnesses, a number of who were also granted protective measures pursuant to Article 64 of the Statute and Rule 87 of the Rules. One of Defence witnesses was the accused himself, who testified for 30 days. Mr Ntaganda's testimony was detailed and comprehensive, and touched on all matters relevant to this case. As it can be seen throughout this judgment, the Chamber has always considered his testimony and, where appropriate, relied on it for findings of fact. In doing so, the Chamber has assessed the probative value of Mr Ntaganda's evidence in the context of the totality of the evidence. In instances where the evidence provided by Mr Ntaganda was contradicted by

other evidence, the Chamber has also considered, on a case-by-case basis and where appropriate, the possibility of Mr Ntaganda's incentive to provide exculpatory evidence in the context of all the relevant evidence. In relation to important aspects of the charges, the Chamber has found that Mr Ntaganda's evidence was rebutted by other, credible and reliable, evidence.

14. Various expert witnesses testified before the Chamber, ranging from psychologists who testified about the impact of trauma on the memory of witnesses, to forensic scientists, who analysed bone and tooth fragments that had been collected from graves in the relevant area. Where relevant, the Chamber has relied on the evidence provided by these experts, albeit mostly as corroboration, or as relevant context.
15. The Chamber also received a large number of reports, drafted by international or non-governmental organisations. The drafters of some of these reports came to testify before the Chamber. The Chamber has been careful in its assessment of these reports, mindful of the various challenges brought by the Defence, and the fact that the information on which these reports are based, was not collected for the purposes of a criminal investigation and lacked certain safeguards. The Chamber has given more weight to the daily reports by MONUC which were made contemporaneously with the events that took place during the charged period.

IV. *Main findings*

16. This case concerns violence in Ituri, which is a district of Orientale Province in the north east of the DRC, bordering Uganda, with a population estimated to range from 3.5 to 5.5 million people. The capital of Ituri is Bunia. Ituri is fertile and rich in natural resources, which many actors, inside and outside the DRC, have sought to exploit throughout the years.

17. The DRC has many different ethnic groups within its borders. In Ituri alone there are approximately 18 different ethnic groups, including the Lendu, the Ngiti, and the Hema (and its sub-group, the Gegere or Hema-North).
18. The UPC, the group that Mr Ntaganda was a member of, was formalised in September 2002, but existed as a political entity before that time. The group's activities were initially limited, because some of its key leaders were still members of other movements, most notably the RCD-K/ML. Following a split from the RCD-K/ML in April 2002, the group became active under the name FRP. Thomas Lubanga, who would become the President of the UPC, was one of the FRP leaders. The leaders of the FRP became the political leaders of the UPC/FPLC, upon its formal creation in September 2002.
19. At the end of 1999 and beginning of 2000, Mr Ntaganda founded an armed group called the Chui Mobile Force, mostly consisting of dissidents of the military wing of the RCD-K/ML, called the APC. Besides Mr Ntaganda, who was the group's leader, the Chui Mobile Force included persons who were later members of the FPLC, which became the military wing of the UPC, such as Floribert Kisembo and Nduru Tchaligonza. The members of the Chui Mobile Force were mainly of Hema and Tutsi ethnicity. They had left the APC, because they claimed that this armed group sided with the Lendu and discriminated against the Hema.
20. Around May 2002, the FPLC, the emerging military wing of the UPC began to actively recruit individuals and train recruits at a training facility in Mandro. In July 2002 it obtained enough weapons, which were brought by air from Rwanda, to arm all of the 1800 to 2000 recruits present at that time at Mandro. In early September 2002, UPC President Thomas Lubanga formally established the FPLC as the armed wing of the UPC. Lubanga himself was the FPLC's Commander-in-Chief. He appointed Floribert Kisembo to the position of 'Chief of General Staff', and Mr Ntaganda to the position immediately below this, the one of 'Deputy Chief of Staff in charge of Operations and Organisation'. The accused held this

position until 8 December 2003, when Thomas Lubanga removed Kisembo as Chief of Staff and appointed Mr Ntaganda to that role.

21. The FPLC organisational structure was similar to that of a conventional army, and included a geographical sub-division, and had brigades and battalions, as well as smaller units. It used various communication systems and orders given via the radio were noted down in logbooks.
22. At the training centres, UPC/FPLC recruits were instructed in the use of both light and heavy weapons. With regards to heavy weapons, recruits and soldiers of the UPC/FPLC also received training in Rwanda. At the end of their training, recruits were provided with a personal weapon.
23. During the relevant period, the UPC/FPLC was involved in fighting with several armed actors, which – like the UPC/FPLC – were sufficiently organised to be considered organised armed groups. The time between August 2002 to the summer of 2003 included periods of intense fighting and even the calmer periods did not see a lasting absence of armed clashes. Although Ugandan armed forces were present on the territory of the DRC and were to some extent involved in the fighting, and Rwanda provided certain support to the UPC/FPLC, at various times, the Chamber has considered that the involvement of other States did not amount to overall control, and thus did not result in a classification of the conflict as being international in nature. It concluded for the purposes of the contextual elements of war crimes under Article 8(2)(c) and (e) of the Statute that the UPC/FPLC throughout the temporal scope of the charges was at all times involved in at least one non-international armed conflict with an opposing party.

Criminal responsibility

24. In relation to the contextual elements of crimes against humanity, the Chamber found that UPC/FPLC's conduct against the civilian population was not the result of an uncoordinated and spontaneous decision of individual soldiers on the ground, but was the intended outcome of a preconceived strategy, as part of

which the Lendu population was specifically targeted. The crimes committed against civilians took place pursuant to a policy of the UPC/FPLC to attack and chase away Lendu civilians, as well as those who were perceived as non-Iturians.

25. The Chamber found that Mr Ntaganda and other military leaders of the UPC/FPLC, including Thomas Lubanga and Floribert Kisembo, worked together and agreed on the common plan to drive out all Lendu from the localities targeted during the course of their military campaign against the RCD-K/ML. Mr Ntaganda and his co-perpetrators wanted to destroy and disintegrate the Lendu community and ensure that the Lendu could not return to the villages that were attacked. This involved the targeting of civilian individuals by way of acts of killing and raping, as well as the targeting of their public and private properties, through acts of appropriation and destruction. As a result of the way the UPC/FPLC was organised and the position of the co-perpetrators within the organisation, the Chamber considers that the conduct of those who committed the crimes on the ground, namely the individual UPC/FPLC soldiers and in some cases Hema civilians, must be attributed to the co-perpetrators as if it were their own acts.
26. In relation to Mr Ntaganda's conduct, as the Chamber noted above, he fulfilled a very important military function in the UPC/FPLC. He was one of the key leaders and the Chamber has found his role to have been determinative in the UPC/FPLC's ability to set up a strong armed group that was capable of driving the Lendu population from certain areas. The importance of Mr Ntaganda, who had obtained extensive experience in military affairs in the years prior to the UPC/FPLC, is shown, for example, by the fact that it was him who devised the tactic that allowed the UPC/FPLC to successfully take over the important village of Mongbwalu, after it had previously failed to defeat the Lendu fighters at this location. Mr Ntaganda rallied the troops prior to battle, gave direct orders to the troops and during part of the operations, and debriefed them afterwards.

27. In addition to his direct orders to target and kill civilians, Mr Ntaganda endorsed criminal conduct of his soldiers by way of his own conduct. Moreover, with his own actions, he showed his troops how the orders were to be implemented with regard to the treatment of Lendu civilians.
28. Mr Ntaganda's skills were held in high regard and relied upon within the UPC/FPLC, including for the planning and organisation of its military operation. The UPC/FPLC military campaign that is the subject of the charges in the present case, which followed the UPC/FPLC's successful take-over of Bunia, was largely dependent upon Mr Ntaganda's personal involvement and commitment as one of the group's highest and most experienced and respected military figures.

Conduct committed against children under the age of 15 associated with the UPC/FPLC

29. As of June 2002, Mr Ntaganda was involved in large-scale recruitment drives conducted by the UPC/FPLC. On at least three occasions, he made calls for young people to join the UPC/FPLC ranks and follow military training, and also stated that parents and families should provide their children to the group.
30. Between August 2002 and June 2003, the UPC/FPLC recruited, trained, and deployed children under the age of 15. The soldiers of the UPC/FPLC were treated the same. Those under 15 were threatened, punished, and suffered physical violence, as other recruits and soldiers. They wore uniforms, or part of uniforms, that were often too large for them, and had weapons, such as AK-47s. They took part in combat operations and were used as bodyguards or personal escorts by the commanders, including Mr Ntaganda. It was common practice for female members of the UPC/FPLC to be raped and be subjected to other forms of sexual violence during their service, this included – as the Chamber found – at least three girls under the age of 15, who each were repeatedly raped.

Conduct during the assaults on villages and towns from August 2002 to May 2003

31. The emerging UPC/FPLC, together with the UPDF, launched an assault on the city of Bunia on 9 August 2002, causing the Governor of Bunia at the time, Governor Lompondo, to flee with a group of APC soldiers. After having taken control of Bunia, and the roads leading up to it, in the next months the UPC/FPLC attacked the villages Songolo, Zumbe, and Komanda. Killing and looting took place during these assaults, and their aftermath. This conduct falls outside the charges that are brought in relation to two military operations against towns and villages of the Banyali-Kilo *collectivité* in November 2002 and early December 2002, and the one against the Walendu-Djatsi *collectivité* in February 2003. However, the Chamber's findings on these assaults are important for the context of the UPC/FPLC's actions.
32. Before the UPC/FPLC attacked towns and villages of the Banyali-Kilo *collectivité*, the APC and Lendu fighters controlled Mongbwalu and Sayo. The headquarters of the Lendu fighters was in Sayo. Mongbwalu also was the seat of the Kilo-Moto gold mining company. Around 9 November 2002, the UPC/FPLC unsuccessfully tried to take over Mongbwalu. Afterwards, following a plan devised by Mr Ntaganda to attack from two sides, on or about 20 November 2002, the UPC/FPLC launched an assault on Mongbwalu, using soldiers, including children under the age of 15, on the ground with AK-47s, supported by heavy weapons. After it took over Mongbwalu, the UPC/FPLC also captured Sayo and Nzebi.
33. In February 2003, the UPC/FPLC launched a coordinated series of assaults at several villages in the Walendu-Djatsi *collectivité*, and took control of the villages of Lipri, Tsili, Kobu, Bambu, Buli, Gola, Jitchu, and Nyangaray, as well as some surrounding places. In May 2003, following the withdrawal of the UPDF from the city, the UPC/FPLC engaged in fighting in Bunia, in which also children under the age of 15 also took part.
34. After a village or town was taken over, the UPC/FPLC soldiers conducted what has been referred to by witnesses as *ratissage* operations. During the *ratissage* operations in Mongbwalu and Sayo, house-to-house searches were carried out by

- the UPC/FPLC, during which persons were abducted, intimidated, and on several occasions killed. UPC/FPLC soldiers looted a variety of items, such as mattresses, and removed the roofs of some houses. There is no indication that these items served a military purpose and they were apparently used for personal use.
35. As part of the assaults, and especially once the relevant village or town was taken over, UPC/FPLC soldiers destroyed houses. For example, in Sayo, Lipri, Tsili, and Kobu, some houses were burned down, specifically those with thatched roofs. During the attacks on heavy weapons were used to fire at houses. Although it was left standing, the UPC/FPLC also fired at the health centre in Sayo.
 36. Some of the women captured by UPC/FPLC soldiers were raped by them. Some of them were killed, either when they attempted to resist or after they were raped. In the aftermath of the assault on Kilo, the UPC/FPLC went after the Lendu in the village, searching their homes, and killing some of them. The bodies of those killed were thrown into graves, some of which had been dug by those whose bodies were thrown in afterwards. The killing was not always successful. A Lendu woman who testified, for example, was held in a pit in the ground in Kilo, after she was captured while fetching water. The next day, a UPC/FPLC soldier slit her throat, and she was left there, yet survived, on that occasion.
 37. In a UPC/FPLC camp set up after the take-over of Mongbwalu, at a place referred to as the *Appartements*, abducted persons were held and questioned. The majority of the Lendu taken there were killed, while members of other ethnic groups were released. At this location, Mr Ntaganda himself shot and killed *Abbé Bwanalonga*, a man of an advanced age serving as a Catholic priest at the Mongbwalu parish.
 38. UPC/FPLC commanders, including Mr Ntaganda ordered their troops to engage in conduct that resulted in the displacement of a significant part of the civilian population. The population was shot at while trying to flee. During the assault on Sayo, for example, Mr Ntaganda ordered a soldier operating the artillery to fire at a people wearing civilian clothing, making their way up a hill in single file away from the village, not involved in any active hostilities. As the UPC/FPLC's assault

on Mongbwalu in November 2002 unfolded, many of those present in the town fled, going to the bush and to other places. Later, the civilian population of Lipri, Tsili, Kobu, and Bambu similarly fled to the bush. The orders leading to the displacement of civilians did not aim to ensure the safety of the civilian population and were not justified by military necessity. While in the bush, those who had fled lived in difficult conditions, with limited access to food, medication, and shelter. The Lendu could not return to their houses during the time the UPC/FPLC controlled the villages concerned.

39. It is worth specifically mentioning the massacre that took place in Kobu. Following the successful assaults on Kobu and surrounding villages, UPC/FPLC soldiers, under the command of Salumu Mulenda, around 25 and 26 February 2003, brought groups of captured persons to buildings in Kobu, one of which was referred to by witnesses as Paradiso. Many of them, women as well as some men, were raped by members of the UPC/FPLC, including by commander Mulenda. Shortly thereafter, UPC/FPLC soldiers took at least 49 captured persons out of the buildings and killed them at or close to a banana field behind the Paradiso building. They used sticks and batons, as well as knives and machetes. The bodies of those killed, men, women, and children and babies, were found at the banana field over the next days. Some bodies were naked, some had their hands tied up, and some had their heads crushed. Several bodies were disembowelled or otherwise mutilated.

V. *The Chamber's findings on guilt*

40. In relation to the Chamber's findings on Mr Ntaganda's guilt, three issues must be emphasised. First, the Chamber has found that in relation to each of the 18 counts, at least part of the charges were proven beyond reasonable doubt, and it will therefore enter convictions for the related crimes. However, the Chamber has not been able to make findings on a number of alleged incidents. Importantly, even

though the Prosecution initially alleged crimes to have been committed in a number of villages, and the Pre-Trial Chambers confirmed charges in this regard, the Prosecution did not lead any evidence with regards to some villages, and did not maintain the associated allegations in its closing brief. This concerns locations referred to as Goy, Langa, Mindjo, and Wadda. For some other locations, while the Prosecution mentioned these locations in its closing brief, there was so little reliable evidence presented to the Chamber that it was unable to make any findings. This concerns Pluto, Avetso, Dhekpa, Thali, Mbidjo, and Pili. With regards to Djuba, Katho, and Dyalo, the Chamber found only that the population fled, although various other crimes were charged, while in relation to the UPC/FPLC's assault on Bunia in March 2003, there was no credible or reliable evidence showing any crimes being committed by the UPC/FPLC.

41. Second, as noted above, the Chamber has found that it was not proven beyond reasonable doubt that some of those persons, who were members of the UPC/FPLC, and who were, according to the Prosecution, younger than 15 at the relevant time, were indeed below this age. For those specific allegations, no findings therefore have been made in relation to the charges concerning children under the age of 15 incorporated into the UPC/FPLC.
42. Third, the Chamber has found that certain established facts cannot be legally characterised as crimes under the Statute.
43. Consequently, Mr Ntaganda is not considered responsible for the allegations related to the aforementioned three points. Accordingly, Mr Ntaganda is only found guilty for those facts established beyond reasonable doubt by this Chamber above.
44. The Chamber has found that Mr Ntaganda bears individual criminal responsibility under Article 25(3)(a) of the Statute. This mode of criminal responsibility means that a person is criminally responsible and liable for punishment if that person commits a crime within the jurisdiction of the Court, either as an individual, or jointly with another or through another person,

regardless of whether that other persons is criminally responsible. The Chamber has considered that Mr Ntaganda was a direct perpetrator (pursuant to Article 25(3)(a) of the Statute) for parts of the charges for three of the crimes, and was an indirect co-perpetrator (also pursuant to Article 25(3)(a) of the Statute) for the other parts of three these crimes, as well as the remaining crimes. Although the Chamber considers that a person's conduct may be capable of satisfying the elements of more than one mode of liability, having found Mr Ntaganda's principal liability to have been established for each of the counts charged, it does not consider it appropriate nor necessary, to make any further findings on the other confirmed modes of liability.

45. Having applied the legal elements of the alleged crimes to its factual findings, the Chamber finds that Mr Ntaganda is guilty of the following crimes:

- Murder as a crime against humanity (Article 7(1)(a) of the Statute) and as a war crime (Article 8(2)(c)(i) of the Statute), as a direct perpetrator (Article 25(3)(a) of the Statute), of a priest in Mongbwalu during the First Operation, and murder and attempted murder as a crime against humanity (Article 7(1)(a) of the Statute) and as a war crime (Article 8(2)(c)(i) of the Statute) as an indirect co-perpetrator (Articles 25(3)(a) and 25(3)(f) of the Statute), in relation to the following killings and attempted killings committed by UPC/FPLC soldiers and – in relation to the killing of people in Mongbwalu during *ratissage* operations – also by Hema civilians:
 - the killing of a woman in front of the health centre in Sayo, in the context of the First Operation;
 - the killing of people in Mongbwalu and Sayo during *ratissage* operations, and persons killed at the *Appartements* camp following interrogation, in the context of the First Operation;
 - the killing of two Lendu persons in Nzebi, pursuant to Mr Ntaganda's order, in the context of the First Operation;

- the killing of Lendu person, Ngiti man and a pregnant Lendu woman who had been detained in a pit, and of a Nyali man in Kilo, in the context of the First Operation;
- the killing of two fleeing children in Kobu during the assault and the killing of people during the *ratissage* operation that followed, in the context of the Second Operation;
- the killing of nine hospital patients in Bambu and the attempted killing of a tenth, in the context of the Second Operation;
- the killing of a woman, while she tried to defend herself against rape, and of another woman in Sangi, in the context of the Second Operation;
- the killing of at least 49 persons in a banana field near the Paradiso building in Kobu, in the context of the Second Operation;
- the killings of some men who were raped by UPC/FPLC soldiers, in the context of the Second Operation; and
- the attempted killing of four persons who acted as witnesses before this Chamber, in the context of the First and Second Operation (Counts 1 and 2);

- Intentionally directing attacks against civilians as a war crime (Article 8(2)(e)(i) of the Statute), as an indirect co-perpetrator, in Mongbwalu and Sayo, in the context of the First Operation, and in Bambu, Jitchu, and Buli, in the context of the Second Operation (Count 3);
- Rape as a crime against humanity (Article 7(1)(g) of the Statute) and as a war crime (Article 8(2)(e)(vi) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, of women and girls during and in the immediate aftermath of the UPC/FPLC assault on Mongbwalu, of girls in Kilo, in the context of the First Operation, of detained women and men in Kobu, women in Sangi, and of a woman in Buli, in the context of the Second Operation (Counts 4 and 5);
- Sexual slavery as a crime against humanity (Article 7(1)(g) of the Statute) and as a war crime (Article 8(2)(e)(vi) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, of a woman and an 11-year-old girl in Kobu and Buli, in the context of the Second Operation (Counts 7 and 8);
- Rape as a war crime (Article 8(2)(e)(vi) of the Statute), as an indirect co-perpetrator, of an approximately nine-year-old girl at Camp Lingo (Count 6) and rape and sexual slavery of child soldiers as war crimes (Article 8(2)(e)(vi) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, in relation to two girls under 15 years of age, one at Camp Bule, and one assigned to Floribert Kisembo’s escort (Counts 6 and 9);
- Persecution as a crime against humanity (Article 7(1)(h) of the Statute), as a direct perpetrator, by the killing a priest in Mongbwalu, in the context of the First Operation; and, as an indirect co-perpetrator, in Mongbwalu, Nzebi, Sayo, and Kilo, in the context of the First Operation, and in Nyangaray, Lipri, Tsili, Kobu, Bambu, Sangi, Gola, Jitchu, and Buli, in the context of the Second Operation (Count 10);

- Pillage as a war crime (Article 8(2)(e)(v) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, in relation to the looting of items in Mongbwalu and Sayo, in the context of the First Operation, and in Kobu, Lipri, and Jitchu, in the context of the Second Operation, committed by UPC/FPLC soldiers (Count 11)
- Forcible transfer and deportation as a crime against humanity (Article 7(1)(d) of the Statute) and ordering the displacement of the civilian population as a war crime (Article 8(2)(e)(viii) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, in Mongbwalu, in the context of the First Operation, and in Lipri, Tsili, Kobu, and Bambu, in the context of the Second Operation (Counts 12 and 13);
- Conscripting and enlisting children under the age of 15 years into an armed group between on or about 6 August 2002 and 31 December 2003, and using them to participate actively in hostilities between on or about 6 August 2002 and 30 May 2003, with respect to the participation of children under the age of 15 in the First Operation and in the UPC/FPLC assault on Bunia in May 2003; the use of children under the age of 15 as bodyguards for UPC/FPLC soldiers and commanders, including for Mr Ntaganda himself, and for UPC President Thomas Lubanga; and the use of children under the age of 15 to gather information about the opposing forces and MONUC personnel as war crimes (Article 8(2)(e)(vii) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute (Counts 14, 15, and 16);
- Intentionally directing attacks against protected objects as a war crime (Article 8(2)(e)(iv) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the Statute, against the health centre in Sayo, in the context of the First Operation (Count 17); and
- Destroying the adversary's property as a war crime (Article 8(2)(e)(xii) of the Statute), as an indirect co-perpetrator under Article 25(3)(a) of the

Statute, in Mongbwalu and Sayo, in the context of the First Operation, and in Lipri, Tsili, Kobu, Jitchu, Buli, and Sangi, in the context of the Second Operation (Count 18).

46. As a result of the Chamber's judgment, Mr Ntaganda shall remain in detention until such time as the Chamber has determined his sentence and rendered a sentencing judgment pursuant to Article 76 of the Statute. The Chamber will request submissions from the parties and participants, and hold separate hearings, on matters related to sentencing and reparations.
47. Pursuant to Article 81 of the Statute and Rule 150 of the Rules, Mr Ntaganda and the Prosecution may appeal the present Judgment within 30 days.