

Annex A

Procedural Background

1. On 22 August 2006¹ and on 13 July 2012,² two warrants of arrest were issued against Mr. Ntaganda.
2. On 22 March 2013, Mr. Ntaganda voluntarily surrendered to the Court and on 26 March 2013, the suspect made his first appearance before the Chamber.³
3. On 2 December 2013, the Single Judge of Pre-Trial Chamber II issued the “Decision Concerning the Organisation of the Common Legal Representation of Victims”,⁴ appointing two counsel from the Office of Public Counsel for Victims (the “Office” or the “OPCV”) as common legal representatives of the two groups of victims identified in the “Decision Requesting the VPRS and the OPCV to take steps with regard to the legal representation of victims in the confirmation of charges hearing and in the related proceedings”.⁵
4. On 10 January 2014, the Prosecutor filed the Document Containing the Charges.⁶
5. On 15 January 2014, the Single Judge of Pre-Trial Chamber II rendered the “Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the

¹ See the “Decision on the Prosecution Application for a Warrant of Arrest” (Pre-Trial Chamber I), [No. ICC-01/04/02/06-1-Red-tENG](#), 22 August 2006.

² See the “Decision on the Prosecutor’s Application under Article 58” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-36-Red](#), 13 July 2012

³ See the “Decision on Setting the Date for the Initial Appearance and Related Issues” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-41](#), 22 March 2013, para.7.

⁴ See the “Decision Concerning the Organisation of the Common Legal Representation of Victims” (Pre-Trial Chamber II, Single Judge), [No. ICC-01/04-02/06-160](#), 2 December 2013.

⁵ *Idem*, paras. 10, 23 and 25. See also the “Decision Requesting the VPRS and the OPCV to take steps with regard to the legal representation of victims in the confirmation of charges hearing and in the related proceedings” (Pre-Trial Chamber II, Single Judge), [No. ICC-01/04-02/06-150](#), 20 November 2014.

⁶ See the “Document Containing the Charges”, [No. ICC-01/04-02/06-203-AnxA](#), 10 January 2014.

Related Proceedings”,⁷ admitting 922 victims applicants listed in annex C thereof to participate in the confirmation of charges hearing and in the related proceedings⁸ and deciding to appoint Ms Sarah Pellet as the common legal representative of the group of former child soldiers.⁹

6. On 7 February 2014, the Single Judge issued the “Second Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings”,¹⁰ admitting further 198 victims applicants to participate in the confirmation of charges hearing and in the related proceedings¹¹ and deciding that the appointment of Ms Sarah Pellet shall extend to said victims.¹²

7. From 10 until 14 February 2014, the Pre-Trial Chamber held the confirmation of charges hearing in the present case.

8. On 7 March 2014, the Legal Representative submitted her final pre-trial written observations on behalf of Former Child soldiers.¹³

9. On 9 June 2014, Pre-Trial Chamber II issued the “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco

⁷ See the “Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-211](#), 15 January 2014.

⁸ See the “Annex C to the Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-211-AnxC](#), 15 January 2014.

⁹ See the First Decision on victims’ participation, *supra* note 7, paras. 78-79 and p. 37.

¹⁰ See the “Second Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings”, (Pre-Trial Chamber II), [No. ICC-01/04-02/06-251](#), 7 February 2014.

¹¹ *Idem*, pp. 19-20.

¹² *Ibid.*, p. 20.

¹³ See the “Observations finales au nom des anciens enfants-soldats”, [No. ICC-01/04-02/06-273](#), 7 March 2014.

Ntaganda”, confirming the charges brought against the suspect and to commit him to trial based on the charges as confirmed.¹⁴

10. On 18 July 2014, the Presidency issued the “Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Bosco Ntaganda*”, deciding, *inter alia*, to refer the present case to Trial Chamber VI.¹⁵

11. On 6 February 2015, Trial Chamber VI (the “Chamber”) issued the “Decision on victims’ participation in trial proceedings”,¹⁶ wherein it directed the Registry to, *inter alia*, “(i) to consult with the victims who participated in this case during the confirmation stage on the LRVs’ continued representation; and (ii) report back to the Chamber as to the result of this consultation”.¹⁷

12. On 16 March 2015, the Registry submitted its “Report on Consultations with victims Pursuant to Decision ICC-01/04-02/06-449”.¹⁸

13. On 16 June 2015, the Chamber issued the “Second decision on victims’ participation in trial proceedings”, admitting 141 child soldiers victims to participate in trial proceedings and by majority, Judge Ozaki dissenting, decided to maintain the system of legal representation of victims during trial proceedings.¹⁹

¹⁴ See the “Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-309](#), 9 June 2014.

¹⁵ See the “Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Bosco Ntaganda*” (Presidency), [No. ICC-01/04-02/06-337](#), 18 July 2014.

¹⁶ See the “Decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-449](#), 6 February 2015.

¹⁷ *Idem*, para. 54.

¹⁸ See the “Report on Consultations with victims Pursuant to Decision ICC-01/04-02/06-449”, [No. ICC-01/04-02/06-513-Conf-Exp](#), 16 March 2015.

¹⁹ See the “Second decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-650](#), 16 June 2015.

14. On 2 July 2015, the Chamber issued the “Third decision on victims’ participation in trial proceedings”, admitting 156 child soldiers victims to participate in trial proceedings.²⁰

15. On 1 September 2015, the Chamber issued the “Fourth decision on victims’ participation in trial proceedings”, admitting one child soldier victim to participate in trial proceedings.²¹

16. On 2 September 2015, the trial in the present case opened before the Chamber.

17. From 15 September 2015 to 16 February 2017, 71 witnesses testified on behalf of the Prosecution.

18. On 16 November 2015, acknowledging the mistaken transmission of 13 applications of former child soldiers by the Registry, the Chamber terminated the status of 12 of them.²²

19. On 17 December 2015, the Chamber issued the “Sixth decision on victims’ participation in trial proceedings”, admitting one child soldier victim to participate in trial proceedings.²³

²⁰ See the “Third decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-696](#), 2 July 2015.

²¹ See the “Fourth decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-805](#), 1 September 2015.

²² See the “Fifth decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-1011](#), 16 November 2015.

²³ See the “Sixth decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-1059](#), 17 December 2015.

20. On 1 June 2016, having received information on duplicate applications for participation,²⁴ the Chamber instructed the Registry to merge the two duplicative application forms, namely a/20021/14 and a/30408/15.²⁵

21. From 2 March to 12 April 2017, two victims of the attacks presented evidence and three victims presented their views and concerns in person before the Chamber.

22. On 29 March 2017, the Office of the Prosecutor notified the Chamber of the close of its case-in-chief in the present case.²⁶

23. From 29 May to 29 January 2017, 12 witnesses testified on behalf of the Defence, including the Accused who testified from 14 June to 13 September.

24. On 20 June 2017, taking note of victim a/00682/13's intention to withdraw his application for participation, the Chamber terminated his status as a victim participating in the present proceedings.²⁷

25. On 28 December 2017, the Chamber issued the "Order providing directions related to the closing briefs and statements" (the "Directions"), deciding, *inter alia*, that *"the Legal Representatives should be in a position to file their respective closing briefs within*

²⁴ See the "Information concerning duplicate applications for participation presented by victim a/20021/14 – a/30408/15", [No. ICC-01/04-02/06-1321-Conf-Exp](#), 18 May 2016.

²⁵ See Email from Trial Chamber VI dated 1 June 2016 at 14.00 directing the Registry "to rectify the total number of admitted victims by way of its next periodic report and, accordingly, authoris[ing] public references to the existence of [...] filing [ICC-01/04-02/06-1321-Conf-Exp] as well as the content of the [...] decision [to merge the two duplicative application forms]". See also the "Fourth Periodic Report on the Victims and their General Situation", [No. ICC-01/04-02/06-1369](#), 7 June 2016 (dated 6 June 2016), para. 3.

²⁶ See the "Prosecution's Notice of the Close of its Case-in-Chief", [No. ICC-01/04-02/06-1839](#), 29 March 2017.

²⁷ See the "Decision on withdrawal of a victim's application for participation" (Trial Chamber VI), [No. ICC-01/04-02/06-1970](#), 20 June 2017.

four weeks from the date upon which the Presiding Judge declares the presentation of evidence in the case to be closed pursuant to Rule 141 of the Rules”²⁸ and that “and the brief of the Legal Representative of the Former Child Soldiers shall not exceed 100 pages”²⁹.

26. On 23 February 2018, the Defence notified the Chamber of the end of its presentation of evidence.³⁰

27. On 16 March 2018, the Chamber declared the presentation of evidence in the present case closed pursuant to Rule 141 of the Rules of Procedure and Evidence.³¹

28. On 22 March 2018, the Prosecution requested reconsideration of a discrete portion of the Directions, namely that the Chamber imposes no limit in line with amended regulation 36 of the Regulations of the Court.³² The Legal Representative supported the request.³³

²⁸ See the “Order providing directions related to the closing briefs and statements” (Trial Chamber VI), [No. ICC-01/04-02/06-2170](#), 28 December 2017, para. 8 (emphasis original).

²⁹ *Idem*, para. 14.

³⁰ See the “Notice on behalf of Mr Bosco Ntaganda concerning the end of the presentation of evidence by the Defence”, [No. ICC-01/04-02/06-2243](#), 23 February 2018.

³¹ See the “Decision closing the presentation of evidence and providing further directions” (Trial Chamber VI), [No. ICC-01/04-02/06-2259](#), 16 March 2018.

³² See the “Prosecution’s application for reconsideration of a discrete portion of the Chamber’s ‘Order providing directions related to the closing briefs and statements’”, [No. ICC-01/04-02/06-2260](#), 22 March 2018.

³³ See the “Joint Response of the Common Legal Representatives of Victims to the ‘Prosecution’s application for reconsideration of a discrete portion of the Chamber’s ‘Order providing directions related to the closing briefs and statements’”, [No. ICC-01/04-02/06-2261](#), 26 March 2018.

29. On 3 April 2018, The Prosecution requested an extension of four days to file its closing brief pursuant to regulation 35 of the Regulations of the Court. The Legal Representative supported the request.³⁴

30. On 13 April 2018, the majority of the Chamber, Judge Ozaki dissenting, provided further directions on the closings briefs, thereby extending by 15 pages the number of pages available to the Legal Representative (hence a total number of 34,500 words) and granting the limited time extension requested by the Prosecution, directing the latter, as well as the Legal Representatives of the participating victims, to submit their closing briefs by 20 April 2018.³⁵

31. On 19 April 2018, the VPRS transmitted three resumption of action forms on behalf of family members of deceased former child soldiers.³⁶

³⁴ See the “Joint Response of the Common Legal Representatives of Victims to the ‘Prosecution’s Request for a short extension of time to file its closing brief’”, [No. ICC-01/04-02/06-2269](#), 4 April 2018.

³⁵ See the “Decision providing further directions on the closing briefs” (Trial Chamber VI), [No. ICC-01/04-02/06-2272](#), 13 April 2018.

³⁶ See the “Transmission of Resumption of Action Forms”, [No. ICC-01/04-02/06-2274](#), 19 April 2018, and specifically annexes 1 to 4.