

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-02/06**
Date: **11 February 2021**

TRIAL CHAMBER VI

Before: Judge Chang-ho Chung, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Confidential

***Ex parte*, only available to the Registry and the Prosecutor**

Order on the financial situation of Bosco Ntaganda

Pursuant to Trial Chamber II Single Judge's instruction, dated 01 October 2024, this document is reclassified as "Public"

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for Bosco Ntaganda

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Trust Fund for Victims

Others

JUDGE CHANG-HO CHUNG, acting as Single Judge of Trial Chamber VI (the 'Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* (the 'Ntaganda case'), having regard to article 75 of the Rome Statute (the 'Statute'), issues this Order on the financial situation of Bosco Ntaganda (the 'Order').

1. On 8 July 2019, the Chamber issued its Judgment, convicting Mr Bosco Ntaganda ('Mr Ntaganda') of five counts of crimes against humanity and thirteen counts of war crimes.¹
2. On 18 December 2020, the TFV² submitted its final observations on reparations, highlighting that, if Mr Ntaganda is found indigent for the purposes of reparations, the implementation can only be achieved insofar as available with voluntary contributions of the TFV, suggesting that the Chamber could explore anew whether Mr Ntaganda possesses undiscovered assets.³
3. The Chamber notes that, according to regulation 56 of the Regulations of the TFV, once notified of an order awarding reparations pursuant to article 75 of the Statute, the Board of Directors shall determine whether to complement the resources collected through awards for reparations with 'other resources of the Trust Fund'.
4. In the light of the foregoing, the Chamber considers that, in order to issue a reparations order pursuant to article 75 of the Statute, and enable it to take the necessary steps to finance and implement that order, the Chamber, and subsequently the TFV, must be apprised of Mr Ntaganda's current financial situation.
5. The Chambers considers that the Registrar is competent to examine the matter and establish whether Mr Ntaganda is indigent for the purposes of reparations.⁴ The Chamber further considers that the Prosecution might have useful information, which could assist the Registrar in this matter.

¹ Judgment, [ICC-01/04-02/06-2359](#) (with Annexes A, B, and C).

² Trust Fund for Victims' Final Observations on the reparations proceedings, ICC-01/04-02/06-2635-Conf (public redacted version notified on 21 December 2020, [ICC-01/04-02/06-2635-Red](#)) ('TFV Final Submissions').

³ TFV Final Submissions, [ICC-01/04-02/06-2635-Red](#), para. 68.

⁴ See, for example, Trial Chamber II, *Prosecutor v. Thomas Lubanga Dyilo*, Order concerning Thomas Lubanga Dyilo's financial situation, 18 November 2015, ICC-01/04-01/06-3182-Conf-Exp-tENG, para. 6; Second order on the financial situation of Thomas Lubanga Dyilo, 25 January 2016, ICC-01/04-01/06-3192-Conf-Exp-tENG; *Prosecutor v. Germain Katanga*, Order on Germain Katanga's financial situation, 16 August 2016, ICC-01/04-01/07-3704-Conf-Exp-tENG.

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FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

INSTRUCTS the Registrar to review Mr Ntaganda's financial situation and to report back to the Chamber by 26 February 2021; and

INSTRUCTS the Prosecution to transmit to the Registry any information relevant to Mr Ntaganda's financial situation.

Done in both English and French, the English version being authoritative.



Judge Chang-ho Chung, Single Judge

Dated this Thursday, 11 February 2021

At The Hague, The Netherlands