

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06

Date: 9 May 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

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

Public Document

Public Note of Document ICC-01/04-02/06-15-US-Exp

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Counsel for the Defence

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Mr Simo Väättäinen

Detention Section

**Victims Participation and Reparations
Section**

Other

The Prosecution's Application for Unsealing the Arrest Warrant against Bosco NTAGANDA

On 29 February 2008, the Prosecution filed an application to unseal the warrant of arrest against Bosco NTAGANDA, submitting that the circumstances which initially lead to the sealing of the arrest warrant against Bosco NTAGANDA had changed.

In its application the Prosecution outlined the changes of circumstances regarding Bosco NTAGANDA as follows:

First, Bosco NTAGANDA is no longer fighting as a top commander of the MRC against the national armed forces of the DRC (the "FARDC") in the Ituri district. Bosco NTAGANDA has moved from the District of Ituri to the Province of North Kivu, where he is the Chief of Staff of the political-military group Congrès National pour la Défense du Peuple (CNDP).

Second, there are reasons to believe that Bosco NTAGANDA may have become aware of the existence of the arrest warrant against him

Third, the arrest warrant has been notified to the DRC authorities for almost one year without the authorities being in a position to arrest Bosco NTAGANDA, because of his position among an armed group currently active in a remote area of North Kivu.

Given the circumstances highlighted above, a sealed arrest warrant does not put the authorities of the territorial State in a better position to execute the request. An unsealing could foster support to the DRC authorities to implement the request for arrest and surrender from its regional and international partners.

Regarding victim and witness protection, the Prosecution submitted, as it has consistently done, that victims and witnesses protection is a priority consideration and that no measure should be proposed or taken that could potentially create a risk to witnesses and victims. The Prosecution explained that, before submitting the present request, measures to protect witnesses have been adopted in both cases by the Prosecution and/or the Victims and Witnesses Unit of the Registry.

For these reasons, the Prosecution requested to unseal the arrest warrant against Bosco NTAGANDA.



Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of May 2008

At The Hague, The Netherlands