



Original: English

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

Date: 16 March 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

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

**Public
With Confidential Annex A**

**Registry's Second Assessment Report on Applications for Victims' Participation in
Trial Proceedings**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Counsel for the Defence of Bosco

Ntaganda

Mr Stéphane Bourgon

Legal Representatives of Victims

Ms Sarah Pellet

Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING Pre-Trial Chamber II’s Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings in the case of *The Prosecutor v. Bosco Ntaganda* (the “Case”), notified on 15 January 2014 and the Second Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings, notified on 7 February 2014 (the “Pre-Trial Victims Decisions”) granting victim status to a total of 1120 applicants;¹

NOTING Pre-Trial Chamber II’s Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda notified on 9 June 2014 (the “Confirmation Decision”);²

NOTING Trial Chamber VI’s (the “Chamber”) Decision on victims’ participation in trial proceedings notified on 6 February 2015 (the “Participation Decision”);³

NOTING the Chamber’s Decision on the updated document containing the charges notified on 6 February 2015 (the “Updated DCC Decision”);⁴

NOTING the Prosecution’s Submission of an Updated Document Containing the Charges pursuant to ICC-01/04-02/06-450 notified on 16 February 2015 (the “Updated DCC”);⁵

¹ ICC-01/04-02/06-211; ICC-01/04-02/06-251.

² ICC-01/04-02/06-309.

³ ICC-01/04-02/06-449.

⁴ ICC-01/04-02/06-450.

⁵ ICC-01/04-02/06-458.

NOTING the Registry's First Assessment Report on Applications for Victims' participation in Trial Proceedings⁶ and the Registry's First Transmission to the Chamber of 626 Applications for Participation in Trial Proceedings⁷;

NOTING article 68 (1) and (3) of the Rome Statute, rules 89(1) and 91(1) of the Rules of Procedure and Evidence and regulations 24 *bis* and 86(8) of the Regulations of the Court;

CONSIDERING that the Chamber in paragraph 24 of the Participation Decision adopted an admission system for victims to participate in trial proceedings;

CONSIDERING that the VPRS is assessing and organising applications received in different groups, according to the criteria set out in paragraph 24(ii) of the Participation Decision, and transmitting them on a rolling basis;

CONSIDERING that among the 1120 applicants who were granted victim status by the Pre-Trial Chamber, the VPRS has so far re-assessed 1001 applications in accordance with paragraph 24(iii) of the Participation Decision (victims whose applications to participate were accepted during the confirmation stage) as falling within Group A;

CONSIDERING that on 16 March 2015, the Registry transmitted 375 complete applications in its Second Transmission to the Chamber of Applications for Participation in Trial Proceedings;

TRANSMITS to the Chamber, parties and participants the Registry's second assessment report on victims' applications for participation in trial proceedings.

⁶ ICC-01/04-02/06-479.

⁷ ICC-01/04-02/06-472.

Introduction

1. Of the 1120 applications accepted during the confirmation stage, the Registry has so far re-assessed 1001 applications as falling within “Group A” as designated by the Chamber, including 626 filed in the Registry’s first report and 375 for the purposes of the present report.⁸
2. The present report covers only applicants who clearly, in the Registry’s assessment, qualify as victims following the Confirmation Decision (Group A). It provides a brief description of the assessment criteria applied in relation to the applications.

Details on the Assessment Criteria and List of Applications Falling within Group A

3. Applying the criteria established in Section III(B) of the Chamber’s Participation Decision, the Registry has continued to conduct a *prima facie* assessment of part of the applications admitted to participate ahead of the Confirmation Hearing, on the basis of which it considers that of those re-assessed to date, a further 375 applications continue to clearly fall within the scope of the Case.⁹ In conducting its assessment, the Registry confirms that each of the applicants falling within Group A has *prima facie*:
 - (i) Established his or her identity as a natural person;¹⁰
 - (ii) Has suffered harm; and

⁸ Participation Decision, para. 24(ii) ; ICC-01/04-02/06-479 ; ICC-04-02/06-472.

⁹ Participation Decision, para. 30.

¹⁰ The Registry has applied the “flexible approach” endorsed by the Chamber in paragraph 45 of the Participation Decision with respect to the different forms of identification documents deemed acceptable to establish the identity of natural persons for the purposes of participation in the Case. Following an email exchange with Trial Chamber VI Communications on 19 February 2015, the Registry notes that the Chamber considers the identity documents listed in paragraph 45 of the Participation Decision as non-exhaustive and that other similar documents may be acceptable consistent with the “flexible approach” the Chamber endorsed. In particular, the Chamber’s email specifically mentions as acceptable similar documents such as letters from local authorities and certificates or attestations of loss of official documents, which the Registry had informed the Chamber have been appended to some of the applications covered by the present Report.

(iii) The suffered harm is a result of an incident falling within the parameters of the confirmed charges.¹¹

4. In relation to point (iii), the Registry notes that each of the 375 applications has been assessed as falling within the territorial, temporal and subject matter jurisdiction of this Case as set out in the Confirmation Decision and as clarified by the Chamber's Updated DCC Decision and the Prosecutor's subsequent Updated DCC. Of the 375 applications, 23 pertain to child soldiers while the remaining 352 applications pertain to the attacks on the Banyali-Kilo and Walendu-Ndjatsi *collectivités*. A list of the 375 applications, subdivided into the administrative groups used by the Registry, has been provided in annex A of the present report.
5. The Registry will continue to assess all applications in its possession according to the criteria established by the Chamber and will transmit all complete applications on a rolling basis in accordance with the deadlines set out in the Chamber's Participation Decision.¹²



 Marc Dubuisson, Director, Division of Court Services
per delegation of Herman von Hebel, Registrar

Dated this 16 March 2015

At The Hague, The Netherlands

¹¹ Participation Decision, para. 43(i)(ii)(iii).

¹² The Registry will also file a more detailed report on all of the victims assessed as within the scope of the Case once it has completely reviewed all of the applications in its possession.