

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 2 July 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

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

Public

Third decision on victims' participation in trial proceedings

Decision 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

Mr Stéphane Bourgon
Mr Luc Boutin

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**

**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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Trial Chamber VI ('Chamber')¹ of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 68(1) and (3) of the Rome Statute ('Statute'), Rules 85, 89 and 90-92 of the Rules of Procedure and Evidence ('Rules') and Regulations 79-80 and 86 of the Regulations of the Court, and incorporating by reference the applicable law as set out in the 'Decision on victims' participation in trial proceedings' ('First Participation Decision'),² issues the 'Third decision on victims' participation in trial proceedings'.

1. On 6 February 2015, the Chamber issued its First Participation Decision,³ whereby it established the procedure for the participation of victims in the present case.
2. On 16 June 2015, the Chamber issued its 'Second decision on victims' participation in trial proceedings' ('Second Participation Decision')⁴ in which it admitted 1070 applicants as participating victims and decided, by majority, that the system of legal representation of victims adopted at the confirmation stage of the proceedings should be maintained during the trial proceedings.⁵
3. In accordance with the admission system set out in the First Participation Decision,⁶ and after having individually assessed the applications on the basis of the guidance provided by the Chamber, the Registry transmitted, on 22 June 2015, a total of 1127 applications for participation: 1079 applications that it found clearly met the requirements of Rule 85(a) of the Rules ('Group A') and 48 applications it considers to clearly not meet these

¹ Where 'Chamber' is used in this decision it refers to both Trial Chamber VI as composed by the Presidency's 'Decision replacing a judge in Trial Chamber VI', 18 March 2015, ICC-01/04-02/06-521 and to the chamber in its previous composition.

² 6 February 2015, ICC-01/04-02/06-449, paras 41-51.

³ ICC-01/04-02/06-449.

⁴ Second decision on victims' participation in trial proceedings, ICC-01/04-02/06-650 with Annex A.

⁵ Second Participation Decision, ICC-01/04-02/06-650, paras 28-32; and Partly dissenting opinion of Judge Ozaki, ICC-01/04-02/06-650-Anx.

⁶ First Participation Decision, ICC-01/04-02/06-449, para. 24 (v).

requirements ('Group B').⁷ On the same date, the Registry also filed the related assessment report.⁸

4. The Chamber has not identified any error in the Registry's assessment and thus: (i) authorises the participation of the 1079 Group A applicants; and (ii) directs that victim status not be granted to the 48 applicants whose applications were transmitted as Group B.⁹
5. Finally, in line with the majority decision in relation to the legal representation of victims,¹⁰ the Chamber also decides that Ms Sarah Pellet shall represent the 156 child soldiers victims and Mr Dmytro Suprun shall represent the 923 victims of the UPC/FPLC attacks,¹¹ admitted by way of the present decision.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DECIDES to admit the applicants listed in Annex A as participating victims;

DECIDES to reject the applications for participation submitted by the following applicants: a/30376/15; a/30392/15; a/30395/15; a/30397/15; a/30400/15; a/30410/15; a/30418/15; a/30448/15; a/00299/13; a/30037/15; a/30039/15; a/00228/13; a/00287/13; a/30209/15; a/30240/15; a/00106/13; a/00135/13; a/00604/13; a/01285/13; a/01287/13; a/01290/13; a/01292/13; a/20036/14; a/20130/14; a/20131/14; a/20219/14; a/00052/13; a/00481/13; a/00605/13; a/00953/13; a/00955/13; a/01239/13; a/01288/13; a/01289/13;

⁷ Fifth Transmission to the Trial Chamber of Applications for Participation in the Proceedings, notified on 23 June 2015, ICC-01/04-02/06-665 and 1127 confidential, *ex parte*, only available to the Registry, Annexes.

⁸ Registry's Fifth Assessment Report on Applications for Victims' Participation in Trial Proceedings, notified on 23 June 2015, ICC-01/04-02/06-664 ('Fifth Report') with two confidential Annexes.

⁹ The Chamber notes that the deadline for the transmission of applications for participation has expired and that a total of 2149 applicants have therefore qualified as victims for the purpose of participation in the trial proceedings in the present case.

¹⁰ Second Participation Decision, ICC-01/04-02/06-650, paras 28-32 and page 14. *See also* Partly dissenting opinion of Judge Ozaki, ICC-01/04-02/06-650-Anx.

¹¹ Fifth Report, ICC-01/04-02/06-664, para. 4.

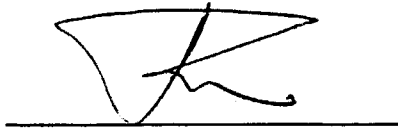
a/01291/13; a/01293/13; a/01321/13; a/01459/13; a/01522/13; a/01563/13; a/01690/13;
a/30045/15; a/30145/15; a/30146/15; a/30184/15; a/30259/15; a/30323/15; a/30380/15;

DECIDES that Mr Dmytro Suprun shall represent the 923 victims of attacks carried out by UPC/FPLC hereby admitted;

DECIDES that Ms Sarah Pellet shall represent the 156 child soldiers victims hereby admitted; and

INSTRUCTS the Registry to transmit to the legal representatives of victims copies of the redacted and unredacted versions of the applications for participation submitted by victims they are hereby appointed to represent.

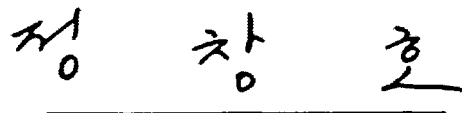
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 2 July 2015

At The Hague, The Netherlands