

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 16 November 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

Fifth 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**

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

Trial Chamber VI ('Chamber') 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 and Rules 85, 89 and 91(1) of the Rules of Procedure and Evidence ('Rules'), and incorporating by reference the applicable law as set out in the 'Decision on victims' participation in trial proceedings',¹ issues this 'Fifth decision on victims' participation in trial proceedings'.

1. On 1 September 2015, the Chamber issued its 'Fourth decision on victims' participation in trial proceedings',² whereby it, *inter alia*, indicated that the total number of victims admitted to participate in the proceedings amounted to 2,159.
2. On 6 October 2015, the Registry filed its 'Second Periodic Report on the Victims and their General Situation' ('Registry Report'),³ by which it, *inter alia*, informs the Chamber that it recently identified: (i) 13 applications as having been mistakenly transmitted in a 'Group A' transmission; and (ii) three duplicate applications.⁴ It further informs the Chamber that five victims of the attacks have died and that so far no resumption of action form has been submitted for these persons.⁵
3. The Chamber takes note of the Registry Report and, noting the information provided by the applicants in their application forms, finds it appropriate to terminate the status of 12 victims.⁶ The Chamber however finds that the application of victim a/00249/13⁷ should have been transmitted as 'Group C' and litigated prior to any Chamber's ruling under Rule 85 of the Rules. The

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

² ICC-01/04-02/06-805.

³ ICC-01/04-02/06-889.

⁴ ICC-01/04-02/06-889-AnxA, para. 4.

⁵ ICC-01/04-02/06-889-AnxA, para. 4.

⁶ a/00584/13; a/00585/13; a/00588/13; a/00589/13; a/00590/13; a/00592/13; a/00593/13; a/00594/13; a/00596/13; a/00607/13; a/01310/13; and a/00582/13.

⁷ Annex 40 to Fifth Transmission to the Trial Chamber of Applications for Participation in the Proceedings, 22 June 2015, notified on 23 June 2015, ICC-01/04-02/06-665-Conf-Exp-Anx40.

Registry is hence instructed to transmit this application to the parties,⁸ in redacted form if appropriate, and the parties shall file observations thereon by 30 November 2015.

4. The Chamber also notes that the Registry indicates having transmitted three duplicate applications and, in light of the present decision to terminate the victim status of 12 individuals, the Chamber clarifies that the total number of victims admitted to participate in these proceedings, at this moment, amounts to 2,144.⁹

⁸ The Chamber notes that the Registry has already been instructed to transmit the application of a/00249/13 to the appointed Legal Representative (Third decision on victims' participation in trial proceedings, 2 July 2015, ICC-01/04-02/06-696, page 5 and Annex A).

⁹ 1,859 victims of the attack and 285 child soldier victims.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DECIDES to terminate the status of a/00584/13, a/00585/13, a/00588/13, a/00589/13, a/00590/13, a/00592/13, a/00593/13, a/00594/13, a/00596/13, a/00607/13, a/01310/13, and a/00582/13 as victims in the present proceedings;

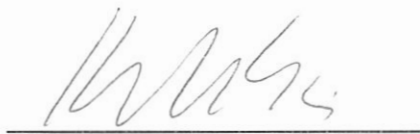
INSTRUCTS the Registry to transmit forthwith the application of a/00249/13 to the parties, in redacted form if appropriate; and

INVITES the Office of the Prosecutor, the defence team for Mr Ntaganda and the Legal Representative of the former child soldiers to file observations on the application of a/00249/13 by 30 November 2015.

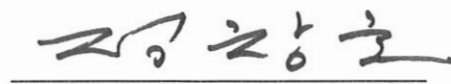
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 16 November 2015

At The Hague, The Netherlands