



Original: **English**

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

Date: **26 April 2018**

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

Eleventh 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 Christopher Gosnell

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Trial Chamber VI ('Chamber') of the International Criminal Court ('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 and 86 of the Rules of Procedure and Evidence, and incorporating by reference the applicable law as set out in its prior decisions,¹ issues this 'Eleventh decision on victims' participation in trial proceedings'.

I. Background and submissions

1. On 1 September 2015, the Chamber adopted a procedure for family members or individuals closely connected with deceased victims who wish to resume the action initiated by their deceased relatives before the Court.²
2. In accordance with this procedure, on 19 April 2018, the Registry transmitted to the Chamber nine application forms for resumption of action initiated by deceased victims ('Resumption of Actions Forms').³
3. The Chamber has not identified any substantive error in the Registry's assessment of the forms pertaining to victims a/00635/13; a/30366/15; a/00121/13; a/00371/13, a/00392/13; a/00419/13; a/00925/13; or a/01540/13.⁴ In relation to the application pertaining to deceased victim a/00034/13, the Chamber notes the observation by the Victims Participation and Reparations Section ('VPRS') that absent proof of the applicant's mandate to represent the family of the deceased victim, the application falls short of the requirements set out in the Fourth Victims Decision and that, as a result, the VPRS is unable to make a final determination.⁵ The Chamber also notes that the application includes a declaration from the applicant, who states that he is the

¹ Decision on victims' participation in trial proceedings, 6 February 2015, ICC-01/04-02/06-449, paras 41-51; Fourth decision on victims' participation in trial proceedings, 1 September 2015, ICC-01/04-02/06-805 ('Fourth Victims Decision'), paras 8 and 13.

² Fourth Victims Decision, ICC-01/04-02/06-805, para. 13.

³ Transmission of Resumption of Action Forms, ICC-01/04-02/06-2274, with confidential *ex parte* Annexes 1 to 4, available only to the Chamber and the Legal Representative of the Former Child Soldiers, and confidential *ex parte* Annexes 5 to 11, available only to the Chamber and the Legal Representative of the Victims of the Attacks.

⁴ The Chamber recalls that the standard applied in this regard is one of 'clear and material error' (see Fourth Victims Decision, ICC-01/04-02/06-805, para. 13(iii)).

⁵ ICC-01/04-02/06-2274-Conf-Exp-Anx1, pages 2-3.

uncle of the deceased victim – explaining that the rest of the family lives far away and does not have the means to travel so as to meet with him, as well as two declarations signed by witnesses attesting to the kinship between the deceased victim and the applicant.⁶ In these circumstances, the Chamber accepts the VPRS's recommendation that the individual be authorised to continue the actions initiated by victim a/00034/13.

4. Accordingly, the Chamber considers it appropriate to authorise the nine individuals who submitted the Resumption of Actions Forms to continue the action initiated by the deceased victims before the Court. In this regard, the Chamber recalls that persons who continue to act on behalf of a deceased victim are only authorised to do so within the limits of the views and concerns expressed by the victim in his or her initial application.⁷

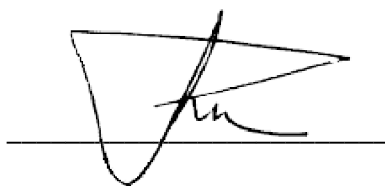
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

AUTHORISES the applicants in respect of victims a/00635/13, a/30366/15, a/00034/13, a/00121/13, a/00371/13, a/00392/13, a/00419/13, a/00925/13, and a/01540/13 to resume the action initiated before the Court by the respective deceased victims.

⁶ ICC-01/04-02/06-2274-Conf-Exp-Anx2.

⁷ Fourth Victims Decision, ICC-01/04-02/06-805, para. 8.

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

A stylized handwritten signature in black ink, consisting of a large loop followed by a series of smaller, connected strokes, positioned above a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, featuring a large, sweeping initial 'K' followed by several connected, fluid strokes, positioned above a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, composed of several distinct, somewhat geometric strokes, positioned above a horizontal line.

Judge Chang-ho Chung

Dated 26 April 2018

At The Hague, The Netherlands