

Annex A

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Annex A: Sources relied on in Decision ICC-01/04-02/06-147

Excerpt of the Decision	Foot-note	Source cited in the Decision	Referring to	Assessment
Para. 43: The evidence or material available before the Single Judge suggests that Mr. Ntaganda's voluntary surrender was prompted by the likelihood of him being killed or by pressure imposed on him by the Rwandan Government.	85	ICC-01/04-02/06-103-RED, pp. 6-7.	<i>Midterm report</i> , para. 26.	Anonymous hearsay except for Colonel Innocent Kaina, Makenga's deputy.
			F. Chothia, BBC, "Will Bosco Ntaganda's surrender bring peace to DR Congo?" 19 March 2013.	Anonymous hearsay except for Colonel Innocent Kaina, Makenga's deputy.
			J. Stearns, Blog Congo Siasa, "Amid good news, doubts" 18 March 2013.	Speculative source.
			A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 March 2013.	Anonymous hearsay. Speculative source.
			UNJHRO Report.	Anonymous hearsay.
			HRW, "DR Congo: Arrest Bosco Ntaganda", 2 Feb. 2009.	Anonymous sources.
Para. 44: According to the Midterm Report, after the split of the M23 and the outbreak of fighting between Mr. Ntaganda's faction and his deputy's faction, headed by Mr. Makenga, Mr. Ntaganda's troops ran low of ammunition.	87	<i>Midterm report</i> , paras. 10-11, 13, 21, 26.		Anonymous hearsay.
Para. 44: This prompted the suspect to flee towards the Rwandan border on 15 March 2013 and thereafter to Kigali with the assistance of his family.	88	<i>Midterm report</i> , para. 27.		Anonymous hearsay.
Para. 44: Yet, according to three of his loyalists, former M23 officers and soldiers, Mr. Ntaganda "feared that the Rwandan army soldiers deployed along the border would kill him".	89	<i>Midterm report</i> , para. 26.		Anonymous hearsay.
Para. 44: Moreover, Mr. Makenga's deputy and other soldiers loyal to this faction informed the group of experts that they were ordered to kill Mr. Ntaganda.	90	<i>Midterm report</i> , para. 26.		Anonymous hearsay except for Colonel Innocent Kaina, Makenga's deputy.
Para. 44 of the Decision.	91	J. Stearns, Blog Congo Siasa, "The Bosco surrender: more questions than answers", 22 March 2013.		Anonymous hearsay. Speculative source.
		A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 March 2013.		Anonymous hearsay. Speculative source.
Para. 45: Mr. Ntaganda's decision was likely to have also been influenced by declarations of the Congolese Government calling for his arrest.	92	ICC-01/04-02/06-103-RED, p. 7, fn. 17.	<i>Midterm report</i> , para. 26.	No mention of influence as a result of Congolese Government declarations.
			F. Chothia, BBC, "Will Bosco Ntaganda's surrender bring peace to DR Congo?" 19 March 2013.	No mention of influence as a result of Congolese Government declarations.
			J. Stearns, Blog Congo Siasa, "Amid good news, doubts" 18 March 2013.	Speculative source.
			A. Halligan, BBC, "DR-Congo, Bosco Ntaganda appears before ICC", 26 March 2013.	No mention of influence as a result of Congolese Government declarations.
Para. 45: Mr. Ntaganda's decision was likely to have also been influenced [...] by pressure imposed on him by the Rwandan Government to surrender.	93	J. Stearns, Blog Congo Siasa, "Amid good news, doubts", 18 March 2013.		Speculative source.
Para. 45: The latter possibility [pressure imposed on him by the Rwandan Government to surrender] finds support in a number of non-anonymous sources provided in the Second Registry's Report.	94 and 95	ICC-01/04-02/06-120-Conf, pp. 8-10 and Annex.	HRW, "DR Congo Warlord Should Face Justice", 18 March 2013.	Speculative source.
			S. Rosenberg, CNN, "Why Bosco Ntaganda trial is just first step towards justice for DRC", 28 March 2013.	Speculative source.
			N. Moshiri, Al Jazeera Blogs "The surrender of Bosco Ntaganda", 20 March 2013.	Speculative source.
			A. Auxent, Le Monde "Pourquoi le général congolais Bosco Ntaganda se livre à la justice", 20 March 2013.	Speculative source.
			Annex.	All sources are speculative.

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Para. 53: In fact, Mr. Ntaganda managed to move around undisturbed since 2006 until the date of his surrender in March 2013, despite the existence of a travel ban. For example, it is reported that Mr. Ntaganda has crossed from "Goma to the town of Gisenyi, Rwanda, twice in 2011".	111	Final report, p. 149.		Anonymous hearsay.
Para. 53: It is true that Mr. Ntaganda's apparent free movement between DRC and Rwanda could be easily explained in light of the fact that soldiers loyal to him controlled certain border crossings.	112	Final report, para. 485.		Anonymous hearsay.
Para. 54: In particular, the material presented reveals that the M23 headed by, inter alia, Mr. Ntaganda, before its split, was involved in extensive lootings in Goma in late November 2012. The estimated value of the goods looted amounted to \$3 million.	115	<i>Midterm report</i> , p. 6.		Anonymous hearsay. A document tendered in support: Annex 7: extract of Government mission report.
Para. 54: Further, Mr. Ntaganda and Mr. Makenga secured the finance of the M23 by imposing taxes on commercial trucks crossing checkpoints at Kibumba and Kiwanja and the border at Bunagana which amounted to an average of \$180000 per month.	116	<i>Midterm report</i> , p. 13.		Anonymous hearsay.
Para. 54: In addition, according to different sources, Mr. Ntaganda owns a fuel station, a flour factory in the centre of Goma, which is run by his wife, a hotel in the same location, and several bank accounts in Rwanda under the name of his wife.	117	Final report, pp. 150-151.		Anonymous hearsay. The pages cited show that the hotel existed only between January and May 2011.
Para. 54: Based on the same report, Mr. Ntaganda was involved with East African regional networks of dealers "selling both real and counterfeit gold to international buyers".	118	Final report, paras. 150-151.		Anonymous hearsay.
Para. 58: Based on the available information, it is apparent that Mr. Ntaganda continues to have some influence in the DRC, given that he managed to retain some contacts with a substantial number of his former soldiers who used to be part of the M23.	122	<i>Midterm report</i> , pp. 15-16 and p. 15, footnote 2.		No connection with the Chamber's findings.
Para.58: According to the information presented, former FPLC and the Congrès National pour la Défense du Peuple (the "CNDP") who are loyal to Mr. Ntaganda have been integrated into FARDC special battalions.	123	Final report, p. 70.		Anonymous hearsay.
		ICC-01/04-02/06-103-Red, paras. 27-28 and footnote	<i>Midterm report</i> , paras. 14-16-17.	Anonymous hearsay.
			Final report, paras. 239-240.	Anonymous hearsay.
			Final report paras. 13, 297-311.	Anonymous hearsay (Mr Ntaganda denies having spoken to the group of experts).
			Final report, paras. 307-308.	Anonymous hearsay.
			<i>Midterm report</i> , para. 20.	Anonymous hearsay.
Para. 58: According to the 2011 Group of Experts Report, Mr. Ntaganda "appointed ex-CNDP commanders to key positions during the reorganization".	124	Final report, p. 82.		Anonymous hearsay.
Para. 58: [...] and every FARDC operation in North and South Kivu was "endorsed" by the suspect.	125	Final report, p. 82.		Anonymous hearsay.
Para. 58: Mr. Ntaganda is also reported to have said that "he and his colleagues had planned every operation carried out" in these parts of Kivu.	126	Final report, p. 82 and in particular para. 298.		Anonymous hearsay (Mr Ntaganda denies having spoken to the group of experts).
Para. 58: Thus, the Single Judge concurs with the Prosecutor that based on this information, it is difficult to conclude that Mr. Ntaganda lost total influence over his supporters in the DRC.	127	ICC-01/04-02/06-103-RED paras. 27, 29 (footnotes 65-68 and 70-71)	<i>Midterm report</i> , para. 27.	Anonymous hearsay.
			<i>Midterm report</i> , paras. 14, 16 and 17.	Anonymous hearsay except for the M23 President, Bertrand Basimwa.
			Final report, paras. 239-240; paras. 297-311; paras. 307-308.	Anonymous hearsay (Mr Ntaganda denies having spoken to the group of experts).
			<i>Midterm report</i> , para. 27.	Anonymous hearsay.
			Article <i>UN News centre</i> , p. 1 (DRC-OTP-0236-0005).	This is a summary of the 2011 Final report of the group of experts.
			Decision of the Council of the European Union of 29 December 2005, p. 6 (DRC-OTP-0155-0158).	Decision from 2005, stating that Bosco Ntaganda was a member of the UPC/L.
Para. 59: [...] documented history of violence, [...]	129	Statement of P-0046 (DRC-OTP-2054-6846).	Statement of P-0046, p. 22 (DRC-OTP-2054-6846).	Anonymous hearsay.
Para. 59: [...] which is also revealed in a number of reports.	130	UNJHRO report, in particular paras. 24 and 26.		Does not mention violence. Mentions Bosco Ntaganda's position within the CNDP.
		Final report, pp. 82-83, 85, 123-124, 149-150.		Anonymous hearsay.
		<i>Midterm Report</i> , paras. 129-130.		Anonymous hearsay.