

**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**

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**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',<sup>1</sup> 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',<sup>2</sup> 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'),<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>
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.<sup>6</sup> The Chamber however finds that the application of victim a/00249/13<sup>7</sup> should have been transmitted as 'Group C' and litigated prior to any Chamber's ruling under Rule 85 of the Rules. The

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

<sup>2</sup> ICC-01/04-02/06-805.

<sup>3</sup> ICC-01/04-02/06-889.

<sup>4</sup> ICC-01/04-02/06-889-AnxA, para. 4.

<sup>5</sup> ICC-01/04-02/06-889-AnxA, para. 4.

<sup>6</sup> 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.

<sup>7</sup> 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,<sup>8</sup> 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.<sup>9</sup>

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<sup>8</sup> 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).

<sup>9</sup> 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.

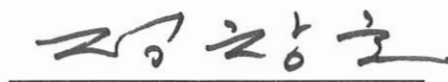
Done in both English and French, the English version being authoritative.



**Judge Robert Fremr, Presiding Judge**



**Judge Kuniko Ozaki**



**Judge Chang-ho Chung**

Dated 16 November 2015

At The Hague, The Netherlands