

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **27 October 2016**

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

Eighth 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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

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 85-86 of the Rules of Procedure and Evidence, and incorporating by reference the applicable law as set out in prior decisions,¹ issues this 'Eighth decision on victims' participation in trial proceedings'.

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 that procedure, on 6 October 2016, the Registry transmitted to the Chamber twenty-four application forms for resumption of action initiated by deceased victims ('Resumption of Action Forms').³ The Registry indicated that it had assessed all twenty-four Resumption of Action Forms and considered that each meets the requirements set out by the Chamber.⁴
3. The Chamber has not identified any error in the Registry's assessment of the Resumption of Action Forms.⁵ Accordingly, and in line with the applicable law set out in its previous decisions, the Chamber deems it appropriate to authorise the individuals who submitted the Resumption of Action 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

¹ Decision on victims' participation in trial proceedings, 6 February 2015, ICC-01/04-02/06-449 ('First Victims Decision'), 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 Fifth Periodic Report on the Victims and their General Situation, ICC-01/04-02/06-1567 ('Fifth Report') and one confidential, *ex parte* annex, available only to the Registry and both Legal Representatives of Victims and 24 confidential, *ex parte* annexes, available only to the Registry and the Legal Representative of the Victims of the Attacks, notified on 7 October 2016.

⁴ Fifth Report, ICC-01/04-02/06-1567, para. 11.

⁵ The Chamber recalls that the standard applied in this regard is one of 'clear and material error' (Fourth Victims Decision, ICC-01/04-02/06-805, para. 13(iii)). In respect of one application, the Chamber notes that footnote 9 in the Fifth Report appears to erroneously refer to applicant number a/20056/15, rather than a/20056/14 (see ICC-01/04-02/06-1567-Conf-Exp-Anx20 and ICC-01/04-02/06-665-Conf-Exp-Anx555).

are only authorised to do so within the limits of the views and concerns expressed by the victim in his or her initial application.⁶

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

AUTHORISES the applicants in respect of victims a/20186/14, a/20169/14, a/30113/15, a/30270/15, a/20056/14, a/20157/14, a/01687/13, a/20044/14, a/00648/13, a/00050/13, a/00057/13, a/00197/13, a/01331/13, a/01332/13, a/01532/13, a/01202/13, a/00641/13, a/01113/13, a/01166/13, a/00979/13, a/01643/13, a/01657/13, a/01675/13 and a/01593/13 to resume the action initiated before the Court by the respective deceased victims.

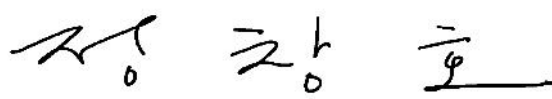
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 27 October 2016

At The Hague, The Netherlands

⁶ Fourth Victims Decision, ICC-01/04-02/06-805, para. 8.