

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/04-02/06**  
Date: **23 November 2017**

**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**

**Ninth 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**

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**Registrar**

Mr Herman von Hebel

**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,<sup>1</sup> issues this 'Ninth 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.<sup>2</sup>
2. In accordance with that procedure, on 6 October 2017, the Registry transmitted to the Chamber five application forms for resumption of action initiated by deceased victims ('Resumption of Action Forms').<sup>3</sup> The Registry indicated that it had assessed these five forms and considered that each of them meets the requirements set out by the Chamber.<sup>4</sup>
3. The Chamber has not identified any error in the Registry's assessment of the Resumption of Action Forms.<sup>5</sup> 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

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<sup>1</sup> 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.

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

<sup>3</sup> Eighth Periodic Report on Victims in the Case and their General Situation, ICC-01/04-02/06-2056 ('Eighth Report') and one confidential, *ex parte* annex, available only to the Registry and both Legal Representatives of Victims and six confidential, *ex parte* annexes, available only to the Registry and the Legal Representative of the Victims of the Attacks.

<sup>4</sup> Eighth Report, ICC-01/04-02/06-2056, para. 13.

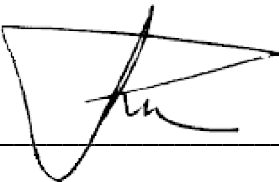
<sup>5</sup> The Chamber recalls that the standard applied in this regard is one of 'clear and material error' (Fourth Victims Decision, ICC-01/04-02/06-805, para. 13(iii)).

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

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**AUTHORISES** the applicants in respect of victims a/00458/13, a/01225/13, a/01278/13, a/01561/13, and a/00203/13 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 23 November 2017

At The Hague, The Netherlands

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