



# Case Information Sheet

## Situation in the Democratic Republic of the Congo

*The Prosecutor*

*v.*

*Bosco Ntaganda*

Case n° ICC-01/04-02/06



The International Criminal Court (ICC) has issued two warrants of arrest for Bosco Ntaganda. As the former alleged Deputy Chief of the General Staff of the *Forces Patriotiques pour la Libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC), Mr Ntaganda is suspected of seven counts of war crimes and three counts of crimes against humanity allegedly committed in Ituri, Democratic Republic of the Congo (DRC) between 1 September 2002 and the end of September 2003. On 22 March 2013, Bosco Ntaganda surrendered himself voluntarily and is now in the ICC's custody.

Age	Around 41 years old
Place of birth	Rwanda
Former status	Former alleged Deputy Chief of the Staff and commander of operations of the <i>Forces Patriotiques pour la Libération du Congo</i> [Patriotic Forces for the Liberation of Congo] (FPLC)
Warrant of arrest	First warrant of arrest: Issued under seal on 22 August 2006; unsealed on 28 April 2008 Second warrant of arrest: Issued on 13 July 2012
Voluntary surrender to the ICC's custody	22 March 2013
Current status	In ICC custody

### Charges

The first warrant of arrest for Bosco Ntaganda lists three counts of war crimes on the basis of his individual criminal responsibility under article 25 (3) (a) of the Rome Statute:

- (i) The enlistment of children under the age of fifteen;
- (ii) The conscription of children under the age of; and
- (iii) Using children under the age of fifteen to participate actively in hostilities

The second warrant of arrest for Bosco Ntaganda lists seven counts of crimes on the basis of his individual criminal responsibility as an indirect co-perpetrator under article 25 (3) (a) of the Rome Statute:

Four counts of war crimes:

- (i) Murder;
- (ii) Attack against the civilian population;
- (iii) Rape and sexual slavery; and
- (iv) Pillaging

And three counts of crimes against humanity:

- (v) Murder;
- (vi) Rape and sexual slavery; and
- (vii) Persecution

## Alleged crimes (non-exhaustive list)

The Pre-Trial Chamber is of the opinion that there are reasonable grounds to believe that:

- A protracted armed conflict took place in Ituri from July 2002 until at least the end of 2003;
- From July 2002 to December 2003 members of the *Forces Patriotiques pour la Libération du Congo* (“the FPLC”) allegedly carried out repeated acts of enlistment and conscription into the FPLC of children under the age of fifteen who were trained in the FPLC training camps of Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro and Sota;
- During this period, FPLC members allegedly repeatedly used children under the age of fifteen to participate actively in hostilities in Libi and Mbau in October 2002, in Largu at the beginning of 2003, in Lipri and Bogoro in February and March 2003, in Bunia in May 2003 and in Djugu and Mongwalu in June 2003;
- Dozens of villages were allegedly attacked by the UPC/FPLC in Ituri between September 2002 and September 2003 which resulted in a high number of civilian deaths and a forced displacement of over 140,000 people;
- Crimes against humanity of murder, rape and sexual slavery and persecution on ethnic grounds were allegedly committed by the UPC/FPLC against the non-Hema population, in Mongbwalu and Sayo between 18 and 23 November 2002 and in Lipri, Bambu, Kobu and surrounding villages between 17 February and 2 March 2003, as part of a widespread and systematic attack against the civilian population and pursuant to an organisational policy.

The Pre-Trial Chamber also considered that there are reasonable grounds to believe that:

- The UPC/FPLC was an organization under responsible command and had an established hierarchy at the top of which there is a president, Mr Ntaganda as commander of operations, and several other ministers and officers;
- From July 2002 to 8 December 2003 Mr Ntaganda, as Deputy Chief of General Staff for Military Operations and commander of operations, ranked third in the hierarchy of the FPLC, subordinated only to Thomas Lubanga Dyilo, FPLC Commander-in-Chief, and to Floribert Kisembo, FPLC Chief of Staff He was the immediate superior of the FPLC sector commanders;
- Mr Ntaganda allegedly had *de jure* and *de facto* authority over the FPLC training camp commanders and the FPLC commanders in the field;
- Mr Ntaganda allegedly used his authority within the FPLC to actively implement the policy/practice adopted at a higher level of the UPC/FPLC of enlisting and conscripting children under the age of fifteen into the FPLC and using them to participate actively in hostilities. Mr Ntaganda was aware of his role within the FPLC in implementing such policies;
- Mr Ntaganda often visited the FPLC training camps where allegedly children under the age of fifteen were trained to become FPLC soldiers and that he took part directly in attacks in which FPLC soldiers under the age of fifteen actively participated.

## Key judicial developments

### Referral and opening of the investigation

- The DRC ratified the Rome Statute, the founding instrument of the International Criminal Court (the Court), on 11 April 2002.
- On 3 March 2004, the Government of the DRC referred to the Court the situation (the events falling under the Court’s jurisdiction) in its territory since the entry into force of the Rome Statute on 1 July 2002.
- After a preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004.

### Warrants of arrest

- Following his initial investigation into crimes allegedly committed in the Ituri District since 1 July 2002, the Prosecution filed an application for the issuance of a warrant of arrest for Bosco Ntaganda on 12 January 2006.
- On 22 August 2006, Pre-Trial Chamber issued a warrant of arrest under seal for Mr Ntaganda.
- On 28 April 2008, Pre-Trial Chamber decided to unseal the warrants of arrest for Mr Ntaganda.
- On 13 July 2012, Pre-Trial Chamber II issued a second arrest warrant for Mr Ntaganda, based on an application for a second warrant by the Prosecution of 14 May 2012.
- On 22 March 2013, Bosco Ntaganda surrendered himself voluntarily and is now in the ICC’s custody.



**Composition of Pre-Trial Chamber II**

Judge Ekaterina Trendafilova, Presiding Judge

Judge Hans-Peter Kaul

Judge Cuno Tarfusser

**Representation of the Office of the Prosecutor**

Fatou Bensouda, Prosecutor

**Defence Counsel for Bosco Ntaganda**

N/A

**Legal Representatives of the Victims**

N/A

