

The Trial of Bosco Ntaganda at the ICC: Sentencing

September 2019

Executive Summary

From September 17-20, 2019, Bosco Ntaganda's sentencing hearing will take place at the International Criminal Court (ICC) in The Hague. Trial Chamber VI unanimously convicted the former Congolese rebel commander of war crimes and crimes against humanity on July 8, 2019.

Ntaganda, who was charged with 18 counts of war crimes and crimes against humanity, is the former Deputy Chief of Staff of the Patriotic Forces for the Liberation of Congo (FPLC), the armed wing of a rebel movement known as the Union of Congolese Patriots (UPC). He has been in the court's detention since March 2013, and his trial opened on September 2, 2015.

This background paper summarizes the main issues in the case, with hyperlinks to the relevant pages on our trial monitoring website, www.IJMonitor.org.

The Charges

Bosco Ntaganda, the former Deputy Chief of Staff of the Patriotic Forces for the Liberation of Congo (FPLC), the armed wing of the Union of Congolese Patriots (UPC), was convicted of 18 counts of war crimes and crimes against humanity on July 8, 2019. These crimes were committed during an internal armed conflict in the Ituri region of eastern Democratic Republic of the Congo (DRC) in 2002 and 2003.

Ntaganda was found guilty on all 13 counts of war crimes charged: murder and attempted murder; attacking civilians; rape; sexual slavery of civilians; pillaging; displacement of civilians; attacking protected objects; destroying the enemy's property; and rape, sexual slavery, enlistment and conscription of child soldiers under the age of fifteen years and using them to participate actively in hostilities. Ntaganda was also found guilty of all five counts of crimes against humanity charged: murder and attempted murder; rape; sexual slavery; persecution; forcible transfer of population.

The judges found Ntaganda criminally responsible for these crimes under different modes of liability. Specifically, Ntaganda was convicted of three crimes as a direct perpetrator: murder as a crime against humanity and a war crime and persecution as a crime against humanity. He was found responsible as an indirect perpetrator for all other crimes charged.

The Legal Issues

Can a person be convicted of crimes of sexual violence against members of his own armed group?

The Ntaganda trial is the third to emerge from the situation in the DRC and the second case to include charges of sexual and gender-based crimes. The first arrest



warrant for Ntaganda, issued on August 22, 2006, did not include charges for sexual and gender-based violence. The second arrest warrant, issued on July 13, 2012, added nine additional charges, including rape and sexual slavery as war crimes and crimes against humanity.

Ntaganda was the first senior military figure to be charged at the ICC with acts of sexual violence and rape against child soldiers as war crimes committed under his command and within his own militia group. The ICC judges were tasked with determining whether the court has jurisdiction over the war crime of rape and sexual slavery under Article 8(2)(e)(vi) of the Rome Statute where the victims belong to the same armed forces as the alleged perpetrators.

Ntaganda's lawyers tried to have the charges of rape and sexual slavery of child soldiers by the same militia group excluded. The defense argued that those crimes did not fall within the court's jurisdiction because pursuant to Common Article 3 of the 1949 Geneva Conventions, members of an armed force may not commit war crimes against members of the same group. Taking into account that the Rome Statute did not provide that victims of war crimes of rape and sexual slavery should have any particular status, the trial chamber held that the submission runs contrary to the rationale of international humanitarian law, which seeks to mitigate the suffering resulting from armed conflict. The chamber ruled that members of the same armed forces are not excluded as potential victims of the war crimes of rape and sexual slavery.

The ICC Appeals Chamber analyzed whether customary international law requires an additional element in the determination of the given war crime in the context of internal armed conflict, whereby victims are limited to either "persons who do not take part in hostilities" or "persons taking no active part in hostilities." The Appeals Chamber declined to accept the existence of a customary rule involving this status requirement for victims of war crimes and confirmed the trial chamber's finding.

Summary of the Prosecution Case

The prosecution claimed that its evidence demonstrated that Ntaganda was responsible for crimes committed by the FPLC/UPC over a large geographical area, including widespread rape, sexual violence and pillage, and that Ntaganda himself personally perpetrated several crimes, including rape and murder.

The crimes took place in the context of a long-standing ethnic conflict. The predominantly Hema FPLC/UPC desired to drive out non-Hema ethnicities, primarily, but not exclusively, the Lendu populations living in the mineral-rich Ituri province. According to the prosecution, towns and villages with predominantly non-Hema populations were targeted and attacked in a similar pattern, which included surrounding a village, indiscriminate shelling, deliberate attempts to find non-Hema civilians to murder and/or rape, and pillaging and/or burning homes.

Prosecutors contended that Ntaganda was central to the planning operations of the FPLC/UPC. He played a role in coercing women into sexual slavery and in using child soldiers while attacking civilians in Ituri. They alleged that the crimes committed “were large-scale and systematic, resulting from meticulous training by Ntaganda.” The non-Hema civilian population in dozens of towns and villages throughout Ituri were targeted, and an estimated 680 people were murdered and 260,000 civilians were forcibly displaced.

Summary of the Defense Case

Ntaganda denied all charges against him. From June to September 2017, he testified in his own defense. He spoke about his childhood and how the 1994 Rwandan genocide drove him to fight against injustice in the DRC. Ntaganda maintained that he was a disciplinarian and a peacemaker.

The defense portrayed Ntaganda as a peacemaker, whose FPLC/UPC forces provided security to villages caught amidst a much larger and violent ethnic conflict, and disputed the prosecution’s claim that Ntaganda was motivated by ethnic hatred.

In addition to disputing the ethnic character of the conflict, the defense contested the credibility of evidence underlying the charges against Ntaganda. They noted that the prosecution based several charges exclusively on anonymous sources and a deceased witness’s uncorroborated statement, and said that reliance on such testimony robs the defense of its right to test the evidence’s reliability.

Victim Participation

Represented by their legal counsel from the ICC Office of Public Counsel for Victims, 2,132 victims in total participated in the trial with the trial chamber’s authorization. The court separated the victims into two distinct groups for the purpose of their representation: the first group consisted of former FPLC/UPC child soldiers and their relatives, and the second consisted of victims of FPLC/UPC attacks and these victims’ relatives. The court decided to separate the victims due to widespread concerns that they might have divergent interests.

Lawyers representing victims questioned some prosecution witnesses about the harm they suffered and what outcome they would like to see from the trial. They also questioned Ntaganda.

Victims’ lawyers also called three victims to provide direct testimony at the trial. In addition, at the request of the legal representative of victims, five victims also presented their views and concerns to the judges. These victims discussed harm they personally suffered, including rape, destruction of property, and the murder of relatives. However, the judges limited the scope of the victims’ contributions to harm either they or their family members experienced. During the presentation of their views and concerns, the victims were only questioned by their lawyers and the judges, and no questions were posed by the prosecution or defense.

Ntaganda's trial featured a new procedure for admitting victims at the trial stage. The judges noted that the system for victim participation that had previously been in place proved burdensome due to a lengthy application form and a time-consuming redaction process. The new guidelines allowed the Registry of the ICC to assume a stronger role in the analysis of victim applications. (Such analysis had previously fallen on the chamber to complete.) Only applications where the Registry was unable to make a determination on victim status for any reason were transmitted to the parties and chamber for consideration. All other applications were ratified by the chamber directly, barring a clear and material error in the Registry's assessment.

Trial Location

The entire trial was held at the seat of the court in The Hague, the Netherlands. Twice the judges proposed to hold part of the trial closer to the victims and affected communities, but in each case decided against XX due to security concerns.

On March 13, 2015 Trial Chamber VI recommended to the court's Presidency that opening statements in the trial be held *in situ* in Bunia, DRC. While all parties in principle agreed that holding part of the trial closer to the location of the crimes and the victim community would be in the interest of justice, submissions by the prosecution and legal representatives of victims raised serious security concerns in the region generally, and for witnesses and victims specifically. After considering these factors, as well as the high cost of conducting opening statements in Bunia, the Presidency concluded that the benefits of holding part of the trial *in situ* were outweighed by the risks.

In December 2017, another proposition was made, this time to deliver the closing statements in the trial against Ntaganda *in situ*, in either Bunia, DRC or a nearby location. Ntaganda's lawyers and many community members in Bunia supported this proposal, but in March 2018, the trial chamber again rejected the attempt to hold *in situ* hearings due to an unstable security situation.

Allegations of Witness Tampering

In August 2015, before the trial commenced, judges imposed restrictions on Ntaganda's contacts and communications after finding reasonable grounds to believe that Ntaganda himself, as well as his associates on his instruction, engaged in witness interference and coaching. In 2016, the prosecution released a notice with evidence demonstrating Ntaganda's alleged involvement in witness tampering as part of a "broad scheme to pervert the course of justice, including by coaching potential defense witnesses, obstructing prosecution investigations and interfering with prosecution witnesses." Following disclosure of this evidence, Ntaganda's defense sought an adjournment, which was declined by the judges.

In September 2016, after judges decided to maintain the restrictions on communications, which included limitations on visits with family members, Ntaganda went on a 14-day hunger strike in protest. He complained about not seeing his children

since his surrender to the court as well as the lack of private time with his wife because of the restrictions on his family visits. His hunger strike ended only after the court arranged for a visit from his wife.

In March 2017, the Appeals Chamber judges decided to keep in place the restrictions imposed by the trial chamber. In 2018, with the closure of the evidentiary phase of the case, ICC judges removed all imposed restrictions on Ntaganda's communications and visits. No witness tampering charges were brought against Ntaganda. In August 2019, judges rejected a prosecution request to subject Ntaganda's contacts to increased monitoring until the completion of the sentencing phase.

Bid to Remove a Judge from the Case

A controversy arose when, on March 4, 2019, a majority of the judges at the ICC determined that Judge Kuniko Ozaki, one of the three judges handling Ntaganda's trial, could continue as a non-full-time judge at the same time as serving as Japan's ambassador to Estonia. (Judge Ozaki's mandate as a judge had expired on March 10, 2018; however, she continued serving on the Ntaganda trial as required by Article 36(10) of the Rome Statute.) The plenary of judges said the ambassadorial post was not incompatible with the ICC's requirements of judicial independence. Judge Ozaki took up the ambassador post on April 3, 2019 but resigned a few weeks later after concerns of judicial independence were raised.

The defense filed a request to the ICC Presidency to disqualify Judge Ozaki from the case on May 20, 2019. In the request, the defense cited Article 41(2) of the Rome Statute, which provides that judges shall not engage in any activity that is likely to interfere with their judicial functions or to affect confidence in their independence. The defense also argued that because the judge resigned from the diplomatic position at least in part due to the defense complaints about her alleged lack of judicial independence, she could be biased against Ntaganda.

On June 17, 2019, the majority of the court's judges rejected this argument and said the disqualification request did not meet the "high threshold" required to disqualify an ICC judge on the grounds of impartiality.

Evidence Presented by the Prosecution

The prosecution presented 80 witnesses including eleven experts during its presentation of evidence against Ntaganda. Witness testimony took place from September 15, 2015 to February 16, 2017. Below are a few examples of witnesses who provided evidence of crimes and how Ntaganda was involved.

Selected testimony describing the crimes

Witness P016 recounted the ethnic massacres in Kobu and surrounding towns. According to his testimony, only FPLC fighters were present in Kobu during March of

2003. The witness testified that FPLC fighters “decapitated” his wife and children and killed his father and numerous other civilians.

Witness P898’s provided evidence that the sexual relations between UPC commanders and female recruits were not always consensual: “Those girls were not in a position” to turn down sexual advances by commanders, the witness stated.

Witness P010 testified that her commanders repeatedly raped her. She detailed that commanders routinely encouraged fighters to take drugs prior to going on the battlefield, to instill them with courage. Despite being shielded from Ntaganda’s view, Witness P010 was initially reluctant to answer questions because of her proximity to the defendant, but her demeanor changed after Ntaganda agreed to follow the hearing from another room. Ntaganda’s lawyers said they would impeach Witness P010 and argued that her testimony on Ntaganda’s role during the armed ethnic conflict in the Ituri region was motivated by personal gain.

Selected testimony linking Ntaganda to the crimes

Ntaganda was tried both as a direct perpetrator and as an indirect co-perpetrator of the alleged crimes. Witness P901, a former FPLC insider, provided testimony on the structure and operations of the group, as well as on the central role Ntaganda played as its deputy chief of staff in charge of military operations and organization.

According to one testimony by a former child soldier, Witness P010, Ntaganda gave orders “not to spare the enemy.” She said, “The order was given that if you come across the enemy, you must hit them. That was the only order we were given.”

According to a testimony by Witness P859, Ntaganda ordered the execution of one of his soldiers, who killed a civilian, the brother of Witness P859. “We told them not to kill him but they said they were only waiting for orders to execute him. When they got orders, they did what they had to do,” Witness P859 stated.

Expert witnesses

Eleven expert witnesses testified for the prosecution. Evidence came from forensic psychologist John Charles Yuille, who testified about trauma, and Maeve Lewis, a psychotherapist. Others included Dr. Derek Congram, a forensic archaeologist who, along with four members of his team, testified about exhumations; Dr. Sophie Gromb Monnoyeur, who conducted clinical examinations of four victims of alleged attacks by FPLC fighters, and satellite imagery expert Lars Bromley.

Epidemiologist Dr. Lynn Lawry testified about sexual violence, while Roberto Garretón, a former Special Rapporteur for the United Nations Commission for Human Rights on human rights in the DRC, testified about the origins of the ethnic conflict in Congo.

Evidence Presented by the Defense

The defense for Ntaganda called 19 witnesses, who testified between May 28, 2017 and February 23, 2018. The defense had proposed to call 111 individuals but said that Ntaganda's testimony in his own defense made it unnecessary to call most of the witnesses as originally envisaged in May 2017.

Selected testimony presented by the defense

One of the last witness testimonies delivered by the defense was that of Witness D207, a trader in the Ituri province during the 2002-2003 conflict. Although much of his evidence was given in closed session, the defense argued that his testimony directly contradicted that of prosecution Witness P898, whose testimony detailed some of the alleged occurrences of non-consensual sexual relations in Ntaganda's militia.

The prior recorded testimony of several defense witnesses was allowed to contest very specific issues. For example, witnesses D134, D148, D150, and D163 testified about documents that were submitted as evidence to prove certain prosecution witnesses who claimed to be child soldiers had lied about their age. Another defense witness, D017, who underwent military training at a UPC camp in Mandro, said no recruits under the age of 18 were present.

Ntaganda's testimony in his own defense

Ntaganda testified in his own defense from June 14, 2017 until September 13, 2017, describing his family background and inspiration for joining various rebel groups in eastern DRC. In relation to the specific charges against him, Ntaganda challenged the allegation that the UPC conscripted soldiers, telling the court that recruits voluntarily joined the militia with support from their families. He also stated that he rejected underage recruits.

Ntaganda claimed that sexual relations between members of the militia were prohibited, stating: "I told male recruits that nobody could sleep with a female recruit. It was forbidden." He further denied killing a priest in the town of Mongbwalu, claiming he did not know anything about the incident.

During his testimony, Ntaganda spent considerable time pinpointing the locations of various towns in eastern DRC on maps provided by defense lawyers and explaining UPC militia communication logbooks, including where the senders and receivers of specified messages were at the time the logs were captured.

Ntaganda also made an unsworn closing statement on the last day of the trial. In this statement, Ntaganda maintained that he is a "Congolese national whose objective has always been to make it possible for all Congolese to live in peace and harmony irrespective of their ethnicity."

Evidence Presented by Victim Participants

The court heard evidence from three victims called by the legal representatives of victims from April 10-13, 2017. These witnesses testified about the torture and rape they suffered at the hand of the FPLC militia, as well as how that harm has affected their lives to-date, and responded to questions from defense lawyers. The victims also discussed what type of reparations they would like in the case of a conviction.

Five additional victims presented their views and concerns to the chamber from March 2-3, 2017, but this did not form part of the evidence against Ntaganda.

The Judgment

Article 74 of the Rome Statute states that the decision shall not exceed the facts and circumstances described in the charges and any amendments to the charges, and must be based only on evidence submitted and discussed before the trial. In reaching their conclusion, the judges reviewed all items of documentary evidence and transcripts from the testimony given over the course of 248 days of hearings.

Trial Chamber VI found Ntaganda guilty as a direct perpetrator on three out of the 18 charges: murder as a war crime, murder as a crime against humanity, and persecution as a crime against humanity. These three counts relate to the finding that Ntaganda shot and killed a Catholic priest in Mongbwalu during the conflict in November 2002.

Ntaganda was found guilty as an indirect co-perpetrator on the remaining counts. Most notably, it was the first time the ICC had convicted an accused for sexual slavery as a war crime and crime against humanity. The trial chamber found proof beyond reasonable doubt that Ntaganda committed the crimes of sexual slavery of a woman and an 11-year-old girl in Kobu and Buli, as well as two girls under the age of 15 who were child soldiers in the FPLC militia.

Regarding Ntaganda's testimony, although the judges found him to be "detailed and comprehensive," they did not find him credible "when he affirms that he always fought and acted ... for the liberation and freedom of the civilian population in general in Ituri." The trial chamber found his direct testimony to be contradicted by evidence "which shows that at least a part of the civilian population in Ituri, in particular the Lendu, was actually the target of violent acts by the UPC/FPLC."

Despite the unanimous guilty verdict, judges found a number of discrepancies in the prosecution's case. In 13 locations, where the prosecution initially alleged crimes to have been committed, the judges found either little or no evidence presented to support those allegations. Furthermore, the trial chamber found that three witnesses whom the prosecution alleged to be child soldiers could not have their age proven beyond reasonable doubt. For example, Witness P010 was found not to be credible in relation to her testimony on her alleged abduction and training with Ntaganda's

militia. (However, her testimony about the sexual violence she experienced and other details of crimes she witnessed as part of Ntaganda's escort were considered credible and relied upon by the trial chamber.)

Next Steps

Ntaganda will remain in detention at the ICC and await a decision on sentencing. Possible penalties are a prison sentence up to a maximum of 30 years or life imprisonment, and a fine or forfeiture of proceeds of the crimes. Though ICC rules prohibit the death penalty, the rules do not include sentencing guidelines to indicate the length of Ntaganda's potential prison sentence.

In prior ICC cases, former UPC leader Thomas Lubanga received a 14-year sentence in 2012 for three counts of war crimes before the ICC. Another Congolese rebel leader, Germain Katanga, was handed a 12-year sentence for aiding and abetting war crimes and crimes against humanity in 2014. In 2016, Malian national Ahmed Al Faqi Al Mahdi was sentenced to nine years in prison for the single war crime of destroying religious and historic buildings. Jean-Pierre Bemba had been sentenced to 18 years in prison over five counts of war crimes and crimes against humanity before his conviction was overturned.

The parties have the right to appeal the conviction decision within 30 days in accordance with the ICC's Rules of Procedure and Evidence. In Ntaganda's case, the defense judges granted an additional 30 days to file a notice of appeal to accommodate translation of the judgement into his native language. A convicted person, and the ICC prosecutor, can appeal the sentence on the ground of disproportion between the crime and the sentence.

The trial chamber will also consider whether to order Ntaganda to pay reparations to victims. Proceedings to determine reparations for the victims of the crimes are currently going forward in light of Ntaganda's conviction.

Timeline of Significant Events

September 8, 2000: The DRC signs the Rome Statute of the International Criminal Court.

April 11, 2002: The DRC ratifies the Rome Statute of the ICC.

June 2004: After a referral from Congolese president Joseph Kabila, the ICC opens an investigation into the situation in the DRC.

January 12, 2006: The prosecution applies for its first warrant of arrest against Ntaganda. The prosecution charges the military leader with war crimes of recruiting, conscripting, and using child soldiers in active combat in 2002 and 2003 in the Ituri district.

August 22, 2006: The ICC issues a sealed arrest warrant for Ntaganda. The arrest warrant remains under seal because, according to the court, “public knowledge of the proceedings in the case might result in Bosco Ntaganda hiding, fleeing, and/or obstructing or endangering the investigations or the proceedings of the court.”

April 28, 2008: The ICC unseals the arrest warrant for Ntaganda, after determining that “the circumstances that led to the sealing have changed,” that unsealing the arrest warrant does “not endanger the witnesses of the DRC cases” and that it is “the right moment” to make the warrant public.

The unsealed warrant reveals that the chamber found that there were reasonable grounds to believe that Ntaganda had de jure and de facto authority over the FPLC in its practice of enlisting and conscripting child soldiers and that Ntaganda had taken part directly in attacks in which FPLC soldiers under the age of 15 actively participated.

March 14, 2012: Trial Chamber I convicts Thomas Lubanga, the first person to be tried by the ICC, over the war crimes of enlisting and conscripting children under the age of 15 years into the FPLC and using them actively in armed conflict. Judges later sentence him to 14 years’ imprisonment.

May 14, 2012: The prosecution requests a second arrest warrant for Ntaganda for additional crimes committed in Ituri.

July 13, 2012: The ICC issues its second arrest warrant for Ntaganda. The expanded charges include the crimes against humanity of murder; persecution based on ethnic grounds; and rape/sexual slavery. The additional war crimes include intentional attacks against civilians; murder; rape and sexual slavery; and pillaging. The charges all relate to crimes alleged to have taken place in Ituri during 2002 and 2003.

March 18, 2013: Ntaganda surrenders himself at the U.S. Embassy in Kigali, Rwanda, and asks to be transferred to The Hague. Ntaganda’s surrender was the first time an accused voluntarily submitted himself to the ICC.

March 26, 2013: Ntaganda appears for the first time before an ICC judge who schedules the confirmation of charges hearing for September 23, 2013.

June 17, 2013: Pre-Trial Chamber II postpones the confirmation of charges hearing to February 10, 2014, after the prosecution requests additional time to ensure the protection of witnesses and effective disclosure of evidence to the defense. Acknowledging that the case had been dormant for several years, the single judge acting for the chamber notes, “Where the suspect is evading justice for many years, it is neither possible nor reasonable to impose on the Prosecutor a permanent stand-by availability of the teams for years.”

February 10-14, 2014: Ntaganda appears for his confirmation of charges hearing at the ICC. During the five-day hearing, the Office of the Prosecutor and the defense present evidence to Pre-Trial Chamber II.

June 9, 2014: The Pre-Trial Chamber II unanimously confirms 18 charges against Ntaganda for war crimes and crimes against humanity.

October 9, 2014: Trial Chamber VI sets the start date for the trial of Ntaganda as June 2, 2015.

March 19, 2015: Trial Chamber VI recommends to the ICC Presidency that opening statements of the trial be held *in situ* in Bunia, DRC. The recommendation is in the interest of the court bringing its judicial work closer to those most affected by the crimes Ntaganda is charged with.

April 22, 2015: Trial Chamber VI judges postpone the trial opening to July 2015 to allow for additional time for the ICC Registry to prepare for the possibility of holding opening statements in Bunia.

June 15, 2015: The ICC Presidency declines the trial chamber's recommendation to hold opening statements of the trial in Bunia, DRC. Among the reasons the Presidency cites for not holding the trial *in situ* are the insecurity in Bunia, safety concerns for witnesses and victims, and high costs.

September 2, 2015: The trial of Bosco Ntaganda begins at the seat of the court in The Hague.

September 7, 2016: Ntaganda goes on a hunger strike and refuses to attend his trial to show his dissatisfaction with an order by judges to maintain restrictions imposed on his communications and contacts. Whereas judges initially ordered that Ntaganda must attend proceedings, hearings stall when court officials are unable to transport him to the courtroom on medical grounds, and he maintains his refusal to authorize his lawyers to represent him in his absence. Hearings continue for a short while under a protocol established by the judges, whereby Ntaganda's lawyer represents his interests in his absence.

September 21, 2016: Ntaganda ends his hunger strike and gives defense lawyers a mandate to represent him after court officials arrange for his wife to visit him for eight days, in conditions he deems acceptable.

November 7, 2016: In a notice, the prosecution discloses to the defense evidence alleging that Ntaganda was involved in a "broad scheme to pervert the course of justice, including by coaching potential defense witnesses, obstructing prosecution investigations and interfering with prosecution witnesses."

November 14, 2016: In response to the witness tampering allegations against Ntaganda, the defense asks judges to stay proceedings to give them time to analyze the disclosed information to ensure all future cross-examinations are conducted in light of the prosecution's disclosure and to make submissions on the impact of the witness bribery investigation on the fairness of the trial. Judges reject the defense application two days later.

January 4, 2017: Judges affirm that the ICC can try Ntaganda over rape and sexual slavery of child soldiers in the UPC by commanders and soldiers in the same militia group. Ntaganda had contested the jurisdiction of the court to try him on those charges, arguing that under Article 3 of the Geneva Conventions of 1949, war crimes may not be committed by members of an armed force against members of the same armed force.

March 2-3, 2017: Five victims participating in the case present their views and concerns to the court.

March 20, 2017: Ntaganda's lawyers seek another stay of proceedings citing abuse of court process by the Office of the Prosecutor after it accessed recordings of the accused's conversations, including information on defense strategy. Judges dismiss the request on April 28, 2017.

March 29, 2017: The prosecution formally notifies the court of the closure of its case-in-chief against Ntaganda.

April 10-13, 2017: Three additional victims participating in the case testify before the court.

May 28, 2017: The presentation of defense evidence commences.

June 14, 2017: Ntaganda takes the witness stand in his own defense.

June 5, 2017: The appeals chamber affirms that the ICC can try Ntaganda over rape of child soldiers.

December 28, 2017: In an order providing directions related to closing briefs and statements, judges indicate that they are considering hearing closing statements in Ntaganda's trial either in the DRC or at a location nearby.

February 19, 2018: After two and a half years of continually pushing for the removal of restrictions on his communications, trial judges finally lift restrictions on Ntaganda's communications and visits.

February 23, 2018: The defense formally closes its presentation of evidence.

March 16, 2018: Trial Chamber VI formally closes the presentation of evidence in the case against Ntaganda. In the same decision, judges do not recommend holding closing arguments in the DRC due to the security situation in the eastern part of the country. The judges did not rule out holding certain other future hearings *in situ*, if deemed "appropriate and feasible."

August 28-30, 2018: Closing arguments are held in The Hague. Statements are given by the prosecution, defense, and lawyers representing victims. In addition, Ntaganda makes an unsworn statement on the final day of the hearing.

March 4, 2019: A majority of the ICC's judges in a plenary decision determine that Judge Kuniko Ozaki, who sits on the bench of Trial Chamber VI, could continue serving on the Ntaganda trial while holding the post of Ambassador to Estonia for Japan. (Judge Ozaki begins her ambassadorship on April 3, 2019, but she resigns shortly thereafter when concerns of judicial independence are raised.)

May 20, 2019: Defense lawyers request that Judge Ozaki be disqualified from sitting on the Ntaganda trial due to concerns of lack of impartiality and judicial independence resulting from her appointment as Japan's ambassador to Estonia. The majority of ICC judges in a plenary decision rejects this request.

July 8, 2019: In a unanimous decision, Trial Chamber VI convicts Ntaganda of 18 counts of war crimes and crimes against humanity.

July 19, 2019: Judges grant defense lawyers 30 additional days to prepare a notice of appeal against Ntaganda's conviction. The defense initially had 30 days from the delivery of the judgment to file the appeal notice.

September 17-20, 2019: Trial Chamber VI will hold a sentencing hearing at the ICC in The Hague.

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