

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : **English**

No.: **ICC-01/04-02/06**

Date: **22 August 2006**

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR v. BOSCO NTAGANDA**

Under Seal

WARRANT OF ARREST

The Office of the Prosecutor:

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda, Deputy Prosecutor

Mr Ekkehard Withopf, Senior Trial Lawyer

No.: **01/04-02/06**

7 August 2006

Pre-Trial Chamber I of the International Criminal Court (“the Court”);

HAVING EXAMINED the Prosecution application for a warrant of arrest for Bosco Ntaganda filed on 13 January 2006, and having examined the evidentiary materials and other information submitted by the Prosecution;

NOTING articles 19 (1) and 58 (1) of the Rome Statute;

CONSIDERING that, on the basis of the evidentiary materials and information provided by the Prosecution, the case against Bosco Ntaganda falls within the jurisdiction of the Court;

CONSIDERING 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;

CONSIDERING that there are reasonable grounds to believe that from July 2002 to December 2003 members of the *Forces Patriotiques pour la Libération du Congo* (“the FPLC”) carried out repeated acts of enlistment 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;

CONSIDERING that there are reasonable grounds to believe that from July 2002 to December 2003 members of the FPLC carried out repeated acts of conscription into the FPLC of children under the age of fifteen who were trained in the FPLC training camps at Bule, Centrale, Mandro, Rwampara, Irumu, Bogoro and Sota;

CONSIDERING that there are reasonable grounds to believe that during the relevant period members of the FPLC 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;

CONSIDERING that there are also reasonable grounds to believe that the alleged *Union des Patriotes Congolais* ("the UPC")/FPLC policy/practice of enlisting into the FPLC, conscripting into the FPLC and using to participate actively in hostilities children under the age of fifteen was implemented within the context of and in association with the conflict in Ituri;

CONSIDERING that there are reasonable grounds to believe that from July 2002 to 8 December 2003 Bosco Ntaganda, as Deputy Chief of General Staff for Military 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, was the immediate superior of the FPLC sector commanders and had *de jure* and *de facto* authority over the FPLC training camp commanders and the FPLC commanders in the field;

CONSIDERING that there are reasonable grounds to believe (i) that Bosco Ntaganda used his authority within the FPLC to actively implement the policy/practice adopted at a higher level of the UPC/FPLC of enlisting into the FPLC, conscripting into the FPLC and using to participate actively in hostilities children

under the age of fifteen; and (ii) that he was aware of his role within the FPLC in implementing such policies;

CONSIDERING that there are reasonable grounds to believe that Bosco Ntaganda often visited the FPLC training camps where 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;

CONSIDERING that for the above reasons there are reasonable grounds to believe that Bosco Ntaganda is criminally liable under article 25 (3) (a) of the Statute for:

- (i) the war crime of enlistment of children under the age of fifteen punishable under article 8 (2) (b) (xxvi), or article 8 (2) (e) (vii), of the Statute;
- (ii) the war crime of conscription of children under the age of fifteen punishable under article 8 (2) (b) (xxvi) or article 8 (2) (e) (vii), of the Statute; and
- (iii) the war crime of using children under the age of fifteen to participate actively in hostilities punishable under article 8 (2) (b) (xxvi), or article 8 (2) (e) (vii), of the Statute;

CONSIDERING that the arrest of Bosco Ntaganda appears necessary at this stage within the meaning of article 58 (1) (b) of the Statute both to ensure his appearance at trial and to ensure that he does not obstruct or endanger the investigation;

FOR THESE REASONS

HEREBY ISSUES:

A WARRANT OF ARREST for BOSCO NTAGANDA; whose photographs are annexed and who is believed to be a national of Rwanda around thirty-five years of age; who is alleged to have been the former Deputy Chief of General Staff for Military Operations of the FPLC prior to 8 December 2003; who was allegedly appointed Chief of Staff of the FPLC on 8 December 2003; who allegedly is currently one of the commanders of the *Mouvement Révolutionnaire du Congo* ("the MRC"), a militia group which has been operating in and around the District of Ituri since the beginning of 2005; and who is also known as Bosco Tanganda, Bosco Ntanganda, Bosco Ntangana, Bosco Ntagenda, Bosco Baganda, Bosco Taganda and "the Terminator".

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

Judge Claude Jorda
Presiding Judge

Judge Akua Kuenyehia

Judge Sylvia Steiner

Done this Monday 7 August 2006

At The Hague

The Netherlands

No.: 01/04-02/06

7 August 2006