

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/04-02/06

Date: 2 February 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

**With confidential ex-parte Registry Annex A
and confidential redacted Annex B**

Registry revised feasibility report on trial *in situ*

Source: The Registrar

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Counsel for the Defence

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Legal Representatives of the Victims

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Detention Section

**Victims Participation and Reparations
Section**

The Registrar of the International Criminal Court (the “Court”);

NOTING the status conference held before Trial Chamber VI (the “Chamber”) on 17 October 2014;¹

NOTING the “*Registry Report pursuant to oral order of 17 October 2014*” submitted on 21 November 2014;²

NOTING the “*Order setting the agenda for the 2 December 2014 status conference*” issued by the Chamber on 27 November 2014;³

NOTING the “*Joint submission of the Common Legal Representatives on the possibility to hold part of trial proceedings in situ*” submitted by the Office of Public Counsel for Victims on 28 November 2014;⁴

NOTING the “*Observations on behalf of Mr. Ntaganda on the Possibility of Holding Part of the trial in the DRC or Some Nearby Location*” submitted by the Defence Team of Mr. Ntaganda on 28 November 2014;⁵

NOTING the “*Prosecution submissions on conducting part of the trial in situ*” submitted by the Office of the Prosecutor on 28 November and 1 December 2014;⁶

NOTING the status conference held before the Chamber on 2 December 2014;⁷

¹ ICC-01/04-02/06-T-15-ENG.

² ICC-01/04-02/06-404.

³ ICC-01/04-02/06-406.

⁴ ICC-01/04-02/06-407-Conf.

⁵ ICC-01/04-02/06-408-Conf.

⁶ ICC-01/04-02/06-409-Conf-Exp, ICC-01/04-02/06-409-Conf-Red, and ICC-01/04-02/06-409-Red2.

⁷ ICC-01/04-02/06-T-17-ENG.

NOTING the “*Order scheduling a status conference on 17 February 2015 and setting the agenda*” issued by the Chamber on 22 January 2015;⁸

NOTING articles 3, 62, 64 of the Rome Statute, rule 100 of the Rules of Procedure and Evidence and regulations 20 and 23*bis* of the Regulations of the Court;

CONSIDERING that on 16 December 2014, the Registry agreed to submit a second report *including information regarding holding of the opening statements in situ, and containing a revised costing, by 2 February 2015*;⁹

CONSIDERING that the Registry therefore proceeded to undertake a second and more focused feasibility assessment on the said matter;

RESPECTFULLY SUBMITS AS FOLLOWS:

1. The Registry’s approach to the second feasibility study hereby submitted focuses on the balance between the Registry being able to support the core judicial function *in situ* while at the same time mitigating any potential security risks and reinforcing the outreach purpose of the activity as a key component of a fair and public trial¹⁰. Furthermore, this assessment is based on new reduced parameters proposed by the Registry, is focused to one geographical location only, and takes into consideration the presence of the accused *in situ*.
2. Since the meeting that took place between the Registry and the Presiding Judge on 16 December 2014, the Registry has reflected on the operational implementation of such an activity and also on the more concrete details and

⁸ ICC-01/04-02/06-429.

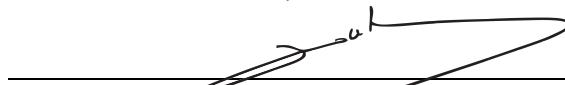
⁹ *Ibid.*, para. 2.

¹⁰ This is consistent with, for instance, the principle of publicity of proceedings outlined in Regulation 20(1) of the Regulations of the Court.

elements that must be in place for this activity to succeed. At this point in time, the Registry is able to provide to the Chamber a very concrete proposal in terms of the arrangements that could be made, however, and considering that the Registry is still awaiting final confirmation from relevant external actors, the information related to the actual budgetary implications that is presented in this report can currently only be considered as an estimate. The Registry undertakes to keep the Chamber informed on relevant costs as they become available to the Registry.

3. At this stage however, the Registry is able to indicate that the new assessment suggests that basic *in situ* hearings, for a specific period and in the geographical area of study appear to be feasible. In this regard it is very important to highlight that in order to facilitate the relevant operational arrangements while keeping the costs sensible, the proposed *in situ* addressed in the Registry report would be operated under very strict parameters and more limited requirements.
4. Bearing in mind that this second feasibility study in itself contains operational security information, the Registry respectfully submits the actual feasibility assessment as Confidential *ex-parte* Registry only Annex A and its confidential redacted version as Annex B.

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 2 February 2015

At The Hague, Netherlands