

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 April 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

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

Public Document

**Registry Observations in relation to possible *in situ*
hearings**

Source: Registry

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Nicole Samson

Counsel for the Defence

Stéphane Bourgon
Luc Boutin

Legal Representatives of the Victims

Sarah Pellet
Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massida

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

NOTING the “Registry Report pursuant to oral order of 17 October 2014” dated 21 November 2014;¹

NOTING the “Registry revised feasibility report on trial *in situ*” dated 2 February 2015;²

NOTING the “Addendum to “Registry revised feasibility report on trial *in situ*” (ICC-01/04-02/06-438), dated 2 February 2015”;³

NOTING Trial Chamber VI’s (the “Chamber”) “Recommendation to the Presidency on holding part of the trial in the State concerned” dated 19 March 2015 (“Recommendation of 19 March 2015”);⁴

NOTING articles 3 and 62 of the Rome Statute, rule 100 of the Rules of Procedure and Evidence (the “RPE”) and regulations 23*bis* and 24*bis* of the Regulations of the Court;

CONSIDERING that in its Recommendation of 19 March 2015, the Chamber “recommends to the Presidency that the opening statements of the trial in the *Ntaganda* case be held in Bunia in the DRC”;⁵

¹ ICC-01/04-02/06-404

² ICC-01/04-02/06- 438

³ ICC-01/04-02/06- 505-Conf

⁴ ICC-01/04-02/06-526

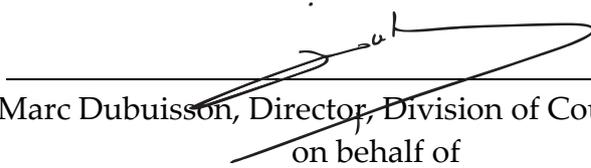
⁵ *Idem*, p. 14

SUBMITS respectfully the following observations:

1. The Registry is mindful of the fact that following the notification of the Recommendation of 19 March 2015, the Presidency shall, pursuant to rule 100(3), consult with the relevant authorities of the Democratic Republic of Congo before issuing a decision on the Recommendation of 19 March 2015.
2. The Registry is of the view that the absence of such a decision does not have a suspensive effect on its ongoing efforts to secure the preparations and arrangements (as detailed in the previous Registry reports on the feasibility of *in situ* trial) that would need to be implemented should the Presidency grant the Recommendation of 19 March 2015. Progress has amongst others been made in the continuous monitoring of security related matters, in the planning of the *in situ* courtroom, in the preparation of logistical aspects, in establishing strategies for outreach purposes etc.
3. However the operational implementation of the arrangements as well as the finalization of agreements on the adoption of a legal framework and on the assistance and support that could be provided by the United Nations can only begin once that an agreement with the relevant Congolese authorities has been reached and that the Presidency has issued its decision.
4. Furthermore, as indicated at previous occasions, the Registry would need a period of three months to be fully ready to support *in situ* hearings. Considering that the Chamber issued its Recommendation to the Presidency on 19 March 2015 and that since that date the Registry has been progressing in its preliminary preparations and arrangements, the Registry wishes to respectfully submit that it would not be in a position to support *in situ* hearings as of the initial start date of 2 June 2015 and would need

approximately an additional month to the initial start date in order to implement all the necessary arrangements to ensure the smooth running of the *in situ* proceedings.

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director, Division of Court Services
on behalf of
Herman von Hebel, Registrar

Dated this 21 April 2015

At The Hague, The Netherlands.