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

Date: 24 April 2015

TRIAL CHAMBER VI

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings

Source: Defence Team of Mr Bosco Ntaganda

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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Legal Representatives of Victims

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Unrepresented Victims

**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Further to the 22 April 2015 status conference, Counsel representing Mr Ntaganda (“Defence”) hereby file this:

Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings

INTRODUCTION

1. As directed by Trial Chamber VI (“Chamber”) during the 22 April 2015 status conference, the Defence hereby provides the following additional submission on paragraph 2d) of the agenda; requesting to be involved in the development of the outreach strategy during the organisation phase of possible *in situ* hearings.

PROCEDURAL BACKGROUND

2. On 2 February 2015, the Registry filed its “Registry revised feasibility report on trial *in situ*”.¹
3. On 11 March 2015, the Registry filed its “Addendum to ‘Registry revised feasibility report on trial *in situ*’ (ICC-01/04-02/06-438), dated 2 February 2015” (“Registry Addendum”).²
4. On 16 March 2015, the Defence informed the Chamber, the parties and the participants by electronic correspondence that it did not have any additional observations on the Registry Addendum.³
5. On 22 April 2015, the Chamber held a status conference during which the organization of possible *in situ* hearings was discussed (paragraph 2d) of the agenda).⁴

¹ ICC-01/04-02/06-438.

² ICC-01/04-02/06-505-Conf.

³ E-mail from Margaux Portier to Trial Chamber VI Communications on 16 March 2015 at 15:57.

⁴ ICC-01/04-02/06-T19-ENG.

SUBMISSIONS

6. Given an opportunity to provide additional observations on the Registry Addendum on 16 March 2015, the Defence provided no observation.
7. On 22 April 2015, when addressing the Chamber in relation to paragraph 2d) of the agenda, the Defence wished to underline the importance of involving the parties, in particular the Defence, in the organisation of possible *in situ* hearings.
8. The aim of the Defence was not to provide observations on the Registry Addendum, but rather to highlight a specific requirement related to the implementation of the outreach strategy described therein, not only during but also before the holding of any possible *in situ* hearings.
9. The Defence posits that it is essential for the parties to be involved in developing the outreach strategy in order to ensure the fairness of the strategy and the equality of treatment of both parties.
10. For example, with respect to suggested “face to face meetings well in advance with the relevant groups to prepare the ground”⁵, the Defence respectfully submits that it should be consulted and present.
11. In addition, with the aim of contributing to a fair and complete representation of the proceedings to the public, the Defence postulates, *inter alia*, that the rough-cut material that will be produced from the hearings *in situ*⁶ should be selected by the Outreach Section in consultation with the parties.

⁵ ICC-01/04-02/06-505-Conf, para.5i).

⁶ ICC-01/04-02/06-505-Conf, para.5iii).

RELIEF SOUGHT

In light of the above submissions, the Defence respectfully requests the Chamber to:

TAKE the necessary measures to secure the involvement of the parties in developing the outreach strategy related to possible *in situ* hearings.

RESPECTFULLY SUBMITTED ON THIS 24TH DAY OF APRIL 2015

A handwritten signature in black ink, appearing to read 'S+B', with a horizontal line extending from the end of the 'B'.

Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands