

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06
Date: 11 January 2017

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

**Order relating to the deadline for any requests by the Legal Representatives of
Victims to present evidence or views and concerns of victims**

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for Bosco Ntaganda

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 64, 67 and 68 of the Rome Statute, Rule 140 of the Rules of Procedure and Evidence ('Rules'), and Regulation 43 of the Regulations of the Court, issues this 'Order relating to the deadline for any requests by the Legal Representatives of Victims to present evidence or views and concerns of victims'.

1. On 2 June 2015, having received submissions from the parties and participants, the Chamber issued its 'Decision on the conduct of proceedings',¹ in which it, *inter alia*, directed that the Legal Representatives of Victims ('LRVs') are to 'file any request for leave to present evidence no later than two days after the Prosecution concluded its presentation of evidence' ('Deadline').²
2. On 19 October 2016, the Chamber issued an order ('Order of 19 October 2016')³ in which it, amongst other things: (i) 'strongly encourage[d] the LRVs to make any such application as far in advance of [the Deadline] as possible';⁴ and (ii) directed the LRVs to indicate by 16 December 2016 whether 'they anticipate bringing a request to present evidence and/or for the views and concerns of victims to be presented to the Chamber, and the likely scope of any such request'.⁵
3. On 16 December 2016, the Legal Representative for former child soldiers indicated that she does not anticipate bringing a request to present evidence and/or for the views and concerns of victims to be presented in person before the Chamber.⁶ On the same day, the Legal Representative of victims of the attacks

¹ ICC-01/04-02/06-619.

² Decision on the conduct of proceedings, ICC-01/04-02/06-619, para. 69.

³ Order setting certain deadlines related to the end of the presentation of evidence by the Prosecution, ICC-01/04-02/06-1588. A corrigendum (ICC-01/04-02/06-1588-Corr) was issued on 12 December 2016.

⁴ Order of 19 October 2016, ICC-01/04-02/06-1588-Corr, para. 8.

⁵ Order of 19 October 2016, ICC-01/04-02/06-1588-Corr, para. 9.

⁶ E-mail from Legal Representative for former child soldiers to the Chamber on 16 December 2016 at 11:05.

filed an *ex parte* notice indicating an intention to request that nine witnesses present evidence and four victims present views and concerns.⁷

4. In light of the indications provided, and the need to ensure that any relevant disclosure is made in adequate time, the Chamber finds it appropriate to modify the Deadline to require the LRVs to file any request to call witnesses and/or to present the views and concerns of victims by no later than **23 January 2017**.⁸ The request should be notified to the parties and participants, in redacted form if necessary. In accordance with the 'Decision on the conduct of proceedings',⁹ the request should include a summary of the expected testimony, and/or views and concerns, as applicable, and an estimate of the time needed for examination and/or presentation of the views and concerns.
5. The filing should also incorporate any requests for particular modalities relevant to the testimony, in particular, for example, any requests for the testimony and/or views and concerns to be heard by way of video-link. Any request for in-court protective measures need not be made until the Chamber has rendered a decision on the request for the relevant witnesses and/or victims to be heard. The Chamber notes, however, that the identities of any witnesses or victims authorised by the Chamber will be required to be disclosed to the parties; and, in principle, any views and concerns, in particular, should be presented in public, any recourse to private session should only be of a very limited nature.
6. The Chamber further recalls its indication that it may direct that the hearing of any views and concerns for which permission is granted occur during the eighth evidentiary block, scheduled for 16 January 2017 to 3 March 2017. The LRVs

⁷ Notification to Trial Chamber VI by the Common Legal Representative of the Victims of the Attacks of his intention to request for leave to present evidence, ICC-01/04-02/06-1687-Conf-Exp.

⁸ At the (original) Deadline, the LRVs will be permitted to modify their requests to the extent of withdrawing a witness or victim in light of the evidence adduced by Prosecution witnesses who testify after 23 January 2017.

⁹ Decision on the conduct of proceedings, ICC-01/04-02/06-619, para. 69.

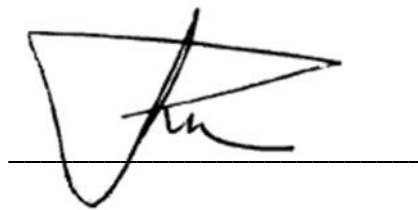
should therefore ensure that any required preparations, including those of a logistical nature, are, in coordination with the Registry, made in a timely manner.

7. The Chamber notes that the (original) Deadline remains in effect with respect to any request by the LRVs for admission of documentary evidence.¹⁰

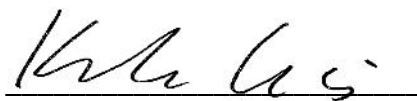
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ORDERS the LRVs to proceed in accordance with the directions set out herein.

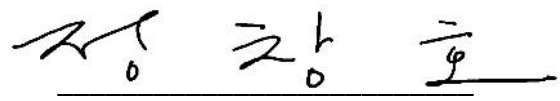
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 11 January 2017

At The Hague, The Netherlands

¹⁰ Decision on the conduct of proceedings, ICC-01/04-02/06-619, paras 69-70.