

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **8 July 2019**

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 on the sentencing procedure

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* ('Ntaganda case'), having regard to Articles 64 and 76 of the Rome Statute ('Statute') and Rule 143 of the Rules of Procedure and Evidence ('Rules'), issues the following 'Order on the sentencing procedure'.

1. On 8 July 2019, the Chamber convicted Mr Ntaganda of five counts of crimes against humanity and thirteen counts of war crimes.¹
2. In order to facilitate the fair and expeditious conduct of the sentencing proceedings in the *Ntaganda* case, and without prejudice to providing further directions or convening hearings if necessary, the Chamber issues the following directions:
 - (i) The parties and legal representatives of victims ('LRVs') shall file any requests to submit further evidence or to call witnesses ('Sentencing Requests') by 29 July 2019;
 - (ii) Responses to the Sentencing Requests, if any, shall be filed by 5 August 2019;
 - (iii) The Sentencing Requests shall provide the details of any documentary evidence intended to be submitted, as well as the identities of any witnesses sought to be called, along with any estimated length of examination, a summary of the anticipated testimony, and any requests for protective measures, testimony via video-link, and/or admission of prior recorded testimony;²
 - (iv) The Chamber recalls that, pursuant to Article 76(1) of the Statute, all evidence before the Chamber for the purposes of its Judgment remains before the Chamber for sentencing. In addition the Chamber encourages the parties and LRVs to consider whether any witness evidence can be most efficiently presented as prior recorded testimony without the witness being present before the Chamber, pursuant to Rule 68(2) of the Rules.

¹ Judgment, ICC-01/04-02/06-2359 and Annexes A, B, and C.

² Any requests pursuant to Rule 68(2)(b) of the Rules need not yet include the actual statement, but rather an indication that the relevant witness, if permitted to be called, will provide a witness statement that will be submitted for admission under the aforementioned rule.

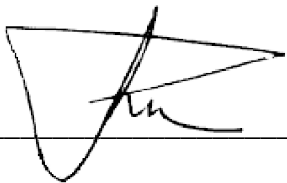
3. Upon receipt of any Sentencing Requests, the Chamber will set deadlines for: (i) the disclosure and formal submission of any non-*viva voce* witness evidence; (ii) the hearing of witnesses, if any; and (iii) the submission of the briefs of the parties and LRVs on sentencing; as well as any further procedural steps, as required.

IN VIEW OF THE ABOVE, THE CHAMBER HEREBY

ORDERS that requests to submit further evidence or to call witnesses, if any, shall be submitted by 29 July 2019; and

ORDERS that any responses to these requests shall be filed by 5 August 2019.

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



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated this 8 July 2019

At The Hague, The Netherlands