



Original: **French**

No.: **ICC-01/04-01/07**

Date: **2 July 2010**

TRIAL CHAMBER II

**Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van Den Wyngaert**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public document

**Order convening a status conference
(rule 132 of the Rules of Procedure and Evidence)**

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Éric MacDonald, Senior Trial Lawyer

Counsel for Germain Katanga

Mr David Hooper
 Mr Andreas O'Shea

Counsel for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
 Prof Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Jean-Louis Gilissen
 Mr Fidel Nsita Luvengika

Legal Representatives of the Applicants

**The Office of Public Counsel for
 Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Other

**Victims Participation and Reparations
 Section**

TRIAL CHAMBER II of the International Criminal Court (“the Chamber”), acting pursuant to rule 132 of the Rules of Procedure and Evidence, orders the following.

1. The Prosecutor is currently halfway through the presentation of his case and the Chamber, recalling its *Directions for the conduct of the proceedings and testimony in accordance with rule 140* (“Decision on Rule 140”),¹ convenes all of the parties and participants in the case to a status conference in order to facilitate the fair and expeditious conduct of the proceedings.
2. At this point in time, the Chamber invites the parties and participants to prepare to make their respective submissions on the following questions, which shall serve as the agenda of the status conference:

A – The Prosecutor

- a. Does the Prosecutor intend to use all of the 120 hours allocated to him for the presentation of his case?²
- b. Can he state when he will finish presenting his case?
- c. More specifically, can he provide an update on the times still required for the examination of his witnesses?
- d. Can he provide an update, where applicable, on the topics on which each of his witnesses will testify?
- e. Can he state definitively whether Witness 166 will be called?
- f. What about Witnesses 157 and 238?

B – The Defence and the Prosecutor are encouraged to confer and to notify the Chamber of any new agreement reached on points of fact or law which are not in dispute;

¹ *Directions for the conduct of the proceedings and testimony in accordance with rule 140*, 1 December 2009, ICC-01/04-01/07-1665-Corr.

² *Ibid.*, p. 5, para. 9.

C – The Legal Representatives of the Victims

- a. Do the Legal Representatives of the Victims intend to file one or more applications to call one or more of the victims they represent to testify, in accordance with the Decision on Rule 140?³
- b. If so, how long before the end of the Prosecutor's case do they intend to file such applications?
- c. Do they also intend to submit applications for protective measures?
- d. If so, within what timeframe?

D – Both Defence teams

- a. Can the Defence teams indicate the stage they have reached in their respective investigations?
- b. More specifically, can they indicate the stage they have reached in their additional investigations following the testimonies of Witnesses 159 and 161?⁴
- c. At this stage in the proceedings, can they indicate the amount of time they will need to prepare once the Prosecutor has finished presenting his case?
- d. Have they conferred in order to establish whether they will be relying on common witnesses?
- e. If not, when do they envisage doing so?

E – All parties and participants

- a. Do the parties and participants wish to update the observations they have already made as to a potential *in situ* visit;
- b. Do they envisage filing applications during the period of 14 July to 9 August 2010, when the Chamber will be in recess?

³ *Ibid.*, paras. 19 to 32.

⁴ ICC-01/04-01/07-T-112-CONF-FRA, pp. 1 to 5; ICC-01/04-01/07-T-122-CONF-FRA, pp. 3 to 5; ICC-01/04-01/07-T-135-CONF-FRA, p. 14; ICC-01/04-01/07-T-137-CONF-FRA, pp. 6 to 9.

FOR THESE REASONS, THE CHAMBER

CONVENES a status conference with all of the parties and participants in the case at 3 p.m. on 9 July 2010, in Courtroom I.

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

[signed]
Judge Bruno Cotte
Presiding Judge

[signed]
Judge Fatoumata Dembele Diarra

[signed]
Judge Christine Van Den Wyngaert

Dated this 2 July 2010
At The Hague, The Netherlands