

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 17 December 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Joint Request for Notification of Document No. ICC-01/04-02/06-141-Conf-Exp

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Marc Desalliers
Ms Caroline Buteau
Ms Andrea Valdivia

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**

Ms Paolina Massidda

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

Amicus Curiae

States Representatives

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

I. Procedural Background

1. On 22 August 2006, Pre-Trial Chamber I, which the present case had originally been assigned to, issued the "Decision on the Prosecution Application for a Warrant of Arrest",¹ along with a corresponding warrant of arrest for Mr Bosco Ntaganda.²
2. On 15 March 2012, the Presidency re-assigned the situation in the Democratic Republic of the Congo to Pre-Trial Chamber II.³
3. On 13 July 2012, Pre-Trial Chamber II (the "Chamber") issued the "Decision on the Prosecutor's Application under Article 58",⁴ issuing a second warrant of arrest against Mr Bosco Ntaganda.
4. On 28 May 2013, the Single Judge of the Chamber (the "Single Judge") issued the "Decision Establishing Principles on the Victims' Application Process"⁵ in which she established, *inter alia*, a victims' application process and ordered the Registry to consult with applicants in relation to their preference for legal representation and to start identifying appropriate assistant to counsel with the involvement or in consultation with the Office of Public Counsel for Victims (the "OPCV" or the "Office").⁶

¹ See the "Decision on the Prosecution Application for a Warrant of Arrest" (Pre-Trial Chamber I), No. ICC-01/04-02/06-1-US-Exp-tEN, 22 August 2006; a redacted version was filed in the record of the case on 6 March 2007 and the decision was made public on 1st October 2010, No. ICC-01/04-02/06-1-Red-tENG.

² See the "Warrant of Arrest", No. ICC-01/04-02/06-2-Anx-tENG, 22 August 2006; a corrigendum was filed into the record of the case on 7 March 2007: see No. ICC-01/04-02/06-2-Corr-tENG-Red.

³ See the "Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations" (Presidency), No. ICC-01/04-02/06-32, 15 March 2012.

⁴ See the "Decision on the Prosecutor's Application under Article 58" (Pre-Trial Chamber II), No. ICC-01/04-02/06-36-Conf-Exp, 13 July 2012; and public redacted version No. ICC-01/04-02/06-36-Red.

⁵ See the "Decision Establishing Principles on the Victims' Application Process" (Pre-Trial Chamber II, Single Judge), No. ICC-01/04-02/06-67, 28 May 2013.

⁶ *Idem*, p. 22.

5. On 2 December 2013, the Single Judge issued the “Decision Concerning the Organisation of the Common Legal Representation of Victims”,⁷ appointing two counsel from the Office as common legal representatives of the two groups of victims identified in the Decision of 20 November 2013⁸ and requesting the VPRS jointly with the OPCV to finalise the establishment of the two legal teams and to report to the Chamber by 12 December 2013.⁹

6. On 12 December 2013, the Registry jointly with the Office submitted a “Joint Report on the organization of common legal representation of victims”¹⁰ wherein they informed the Chamber that for the purposes of the common legal representation of victims in the present case, the Principal Counsel of the OPCV has designed Ms Sarah Pellet and Mr Dmytro Suprun as common legal representatives of respectively former child soldiers and victims of the attacks (the “Common Legal Representatives”).¹¹

II. Request for notification of document No. ICC-01/04-02/06-141-Conf-Exp

7. It appears from the “Decision Requesting the VPRS and the OPCV to take steps with regard to the legal representation of victims in the conformation of the charges hearing and in related proceedings” issued on 20 November 2013¹² that on 13 November 2013, the Chamber received the “Registry’s Interim report on the organisation of common legal representation” (the “Registry’s Report”) in which the Registry provided its observations on: (i) how the applicants have been consulted so

⁷ See the “Decision Concerning the Organisation of the Common Legal Representation of Victims” (Pre-Trial Chamber II, Single Judge), No. ICC-01/04-02/06-160, 2 December 2013.

⁸ *Idem*, para. 10.

⁹ *Ibid.*, p. 11.

¹⁰ See the “Joint Report on the organization of common legal representation of victims”, No. ICC-01/04-02/06-176, 12 December 2013.

¹¹ *Idem*, para. 2.

¹² See the “Decision Requesting the VPRS and the OPCV to take steps with regard to the legal representation of victims in the conformation of the charges hearing and in related proceedings” (Pre-Trial Chamber II, Single Judge), No. ICC-01/04-02/06-150-Conf-Exp, 20 November 2013.

far about their preferences for legal representation and their results; (ii) potential conflicts of interest among groups of applicants, (iii) steps to be taken to organise the legal representation of those applicants who may be admitted as victims participating the present case, including the criteria proposed to guide the selection of common legal representatives.¹³

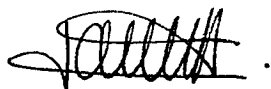
8. The Common Legal Representatives submit that the Registry's Report appears to contain information that might be of assistance for the purpose of a proper organisation of victims' participation and the victims' legal representation. In addition, given the timeframe of the possible issuance of a decision on the status of victims said information will enable the Common Legal Representatives to start planning and organising missions in the field, in an effective and expeditious manner, in order to be able to meet with the victims before the commencement of the confirmation of charges hearing and as soon as the decision on victims' participation will be issued.

9. Consequently, the Common Legal Representatives respectfully request the Chamber to order that the Registry's Report be notified to the Office.

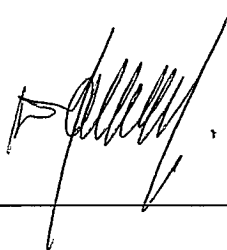
10. In this regard, the Common Legal Representatives inform the Chamber that following consultations between the VPRS and the OPCV, the VPRS does not oppose the notification of the said Report to the Office.

¹³ *Idem*, para. 4. See also the "Decision Concerning the Organisation of the Common Legal Representation of Victims", *supra* note 7, para. 4.

FOR THESE REASONS, the Common Legal Representatives respectfully request the Single Judge to order that the document No. ICC-01/04-02/06-141-Conf-Exp be notified to the Office and therefore reclassified *Ex Parte* VPRS and OPCV only.



Sarah Pellet
Common Legal Representative



Dmytro Suprun
Common Legal Representative

Dated this 17th day of December 2013

At The Hague, The Netherlands