

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 13 January 2014

**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**

**Decision Shortening the Time-limit for Observations by the Parties on the "Sixth Report to the Pre-Trial Chamber on applications to participate in the proceedings"**

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

**The Office of the Prosecutor**  
Fatou Bensouda, Prosecutor  
James Stewart, Deputy Prosecutor

**Counsel for the Defence**  
Marc Desalliers

**Legal Representatives of the Victims**  
Sarah Pellet  
Dmytro Suprun

**Legal Representatives of the 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**

**Other**

## **REGISTRY**

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**Registrar**  
Herman von Hebel, Registrar

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**  
Fiona McKay

**Other**

**Judge Ekaterina Trendafilova**, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court,<sup>1</sup> hereby renders the decision shortening the time-limit for observations by the parties on the “Sixth Report to the Pre-Trial Chamber on applications to participate in the proceedings”.<sup>2</sup>

1. On 28 May 2013, the Single Judge issued the “Decision Establishing Principles on the Victims’ Application Process” (the “28 May 2013 Decision”)<sup>3</sup> in which she established the principles governing the victims’ application process in the present case. In particular, she ordered the parties to submit “their observations, if any, on the victims’ applications, within a time-limit of fourteen days following their transmission by the VPRS.”<sup>4</sup> In addition, with a view to organizing the smooth and proper conduct of the proceedings, the Single Judge instructed the Victims Participation and Reparations Section (the “VPRS”) to transmit the victims’ applications to the Single Judge and to the parties “on a rolling basis, namely every one to three weeks, depending on the number of applications sufficient to be grouped, as well as the criteria to be applied” and ultimately “no later than 30 days before the start of the confirmation hearing”.<sup>5</sup>

2. On 17 June 2013, following a request by the Prosecutor, the Single Judge issued the “Decision on the ‘Prosecution’s Urgent Request to Postpone the Date of the Confirmation Hearing’ and Setting a New Calendar for the Disclosure of Evidence Between the Parties” (the “17 June Decision”),<sup>6</sup> in which the Single Judge decided, *inter alia*, to postpone the commencement of the confirmation of charges hearing until Monday, 10 February 2014 and established a new calendar for disclosure of evidence between the parties.<sup>7</sup>

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<sup>1</sup> Pre-Trial Chamber II, “Decision Designating a Single Judge”, 21 March 2013, ICC-01/04-02/06-40.

<sup>2</sup> ICC-01/04-02/06-200-Conf and its confidential annexes.

<sup>3</sup> Pre-Trial Chamber II, ICC-01/04-02/06-67.

<sup>4</sup> Pre-Trial Chamber II, ICC-01/04-02/06-67, p. 21.

<sup>5</sup> Pre-Trial Chamber II, ICC-01/04-02/06-67, paras 39-40.

<sup>6</sup> Pre-Trial Chamber II, ICC-01/04-02/06-73.

<sup>7</sup> Pre-Trial Chamber II, ICC-01/04-02/06-73, pp. 19-22.

3. On 13 September 2013,<sup>8</sup> 9 October 2013,<sup>9</sup> 31 October 2013,<sup>10</sup> 22 November 2013,<sup>11</sup> and 13 December 2013,<sup>12</sup> the Registry submitted to the Chamber and the Prosecutor reports under regulation 86(5) of the Regulations of the Court (the “Regulations”) together with copies of the application forms, and transmitted redacted copies thereof to the Defence.

4. On 10 January 2014, the Registry submitted to the Chamber and the Prosecutor a report under regulation 86(5) of the Regulations together with 204 applications to participate in the proceedings, and transmitted redacted copies thereof to the Defence (the “6<sup>th</sup> batch”).<sup>13</sup>

5. Also on 10 January 2014, as ordered by the Single Judge in her 17 June 2013 Decision, the Prosecutor filed in the record of the case the document containing the charges (the “DCC”), together with the list of evidence, including a translation thereof into Kinyarwanda.<sup>14</sup>

6. For the purposes of the present decision, the Single Judge has considered articles 21 and 68(3) of the Rome Statute (the “Statute”), rules 85(a) and 89(1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 34 of the Regulations.

7. The Single Judge notes that the 204 applications for victims’ participation included in the 6<sup>th</sup> batch were submitted on the same day as the DCC. Furthermore, she notes that the commencement of the confirmation of charges hearing, scheduled on 10 February 2014,<sup>15</sup> is approaching.

8. In this respect, the Single Judge recalls her duty to ensure that the victims’ views and concerns are presented and considered in accordance with article 68(3) of the

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<sup>8</sup> ICC-01/04-02/06-106-Conf-Exp and its confidential redacted version.

<sup>9</sup> ICC-01/04-02/06-122-Conf and its confidential *ex parte* annexes.

<sup>10</sup> ICC-01/04-02/06-132-Conf and its confidential *ex parte* annexes.

<sup>11</sup> ICC-01/04-02/06-154-Conf and its confidential *ex parte* annexes.

<sup>12</sup> ICC-01/04-02/06-179-Conf and its confidential *ex parte* annexes.

<sup>13</sup> ICC-01/04-02/06-200-Conf and its confidential *ex parte* annexes.

<sup>14</sup> ICC-01/04-02/06-203, ICC-01/04-02/06-203-AnxA, ICC-01/04-02/06-203-Conf-AnxB, ICC-01/04-02/06-203-AnxC and ICC-01/04-02/06-203-Conf-AnxD.

<sup>15</sup> Pre-Trial Chamber II, ICC-01/04-02/06-73, p. 19.

Statute, should they qualify to present such views and concerns pursuant to rule 85 of the Rules. Accordingly, with regard to the victims' applications included in the 6<sup>th</sup> batch, she shall determine whether any given applicant qualifies as a victim for the purposes of participating in the confirmation of charges hearing and in the proceedings related thereto, as well as the modalities of their participation. This must be done sufficiently in advance of the start of the confirmation hearing in order to allow those who would qualify as victims in this case to properly exercise their right to participate.

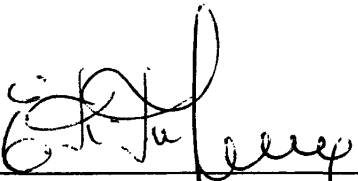
9. Therefore, with a view to rule on all 204 applications received as part of the 6<sup>th</sup> batch promptly, the Single Judge considers that the time-limit for the filing of observations by the parties pursuant to rule 89(1) of the Rules must be reduced.

10. Accordingly, the Single Judge considers it appropriate to order the Prosecutor and the Defence to submit their observations, if any, on the victims' applications included in the 6<sup>th</sup> batch by no later than Monday, 20 January 2014.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY**

**Orders** the Prosecutor and the Defence to submit their observations, if any, on the victims' applications included in the 6<sup>th</sup> batch by no later than Monday, 20 January 2014.

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

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**Judge Ekaterina Trendafilova**  
**Single Judge**

Dated this Monday, 13 January 2014

At The Hague, The Netherlands