

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 10 September 2014

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

Order Setting the Agenda for the 11 September 2014 Status Conference

Order 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

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**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta-Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(3) of the Rome Statute ('Statute'), Rule 132(1) of the Rules of Procedure and Evidence ('Rules') and Regulations 34 and 54 of the Regulations of the Court, issues the following 'Order Setting the Agenda for the 11 September 2014 Status Conference'.

1. On 21 July 2014, the Chamber issued its order scheduling a status conference and providing a provisional agenda for said status conference.¹ Since then the parties and participants made observations on the topics listed on the provisional agenda,² and the date for the status conference was rescheduled for 11 September 2014.³
2. Taking into account the observations made by the parties and participants, the Chamber hereby issues the following agenda for the status conference:
 - a) Languages to be used in the proceedings, in particular, the need for and extent of translation of documents provided to the defence team for Mr Ntaganda ('Defence'), the languages spoken by the witnesses the parties intend to call and victims for whom the legal representatives may seek authorisation to call;
 - b) Timing, volume and modalities of disclosure of evidence pursuant to Rule 76 of the Rules;

¹ Order Scheduling a Status Conference and Setting a Provisional Agenda, ICC-01/04-02/06-339.

² Registry submission pursuant to "Order Scheduling a Status Conference and Setting a provisional Agenda", 14 August 2014, ICC-01/04-02/06-350; Joint submissions in accordance with the "Order Scheduling a Status Conference and Setting a Provisional Agenda" issued on 21 July 2014, 14 August 2014, ICC-01/04-02/06-351; Prosecution's Submissions on the Provisional Agenda for the 20 August 2014 Status Conference, 14 August 2014, ICC-01/04-02/06-352 with Conf-AnxA, Conf-AnxB; Observations de la Défense concernant l'ordre du jour provisoire pour la Conférence de mise en état du 11 septembre 2014, 8 September 2014, ICC-01/04-02/06-364 ('Defence Observations'); Prosecution's Additional Observations in Preparation for the Status Conference, 8 September 2014, ICC-01/04-02/06-365-Conf-Exp. A public redacted version was filed on the same day (ICC-01/04-02/06-365-Red)..

³ Order postponing and setting a new date for the status conference, 15 August 2014, ICC-01/04-02/06-354; Order revising dates for the status conference and for receipt of observations, 26 August 2014, ICC-01/04-02/06-358; E-mail from Legal Officer of the Chamber to the parties and participants, 22 August 2014, at 20:34.

- c) Whether the Prosecution anticipates issues concerning the protection of witnesses and other persons (including the need for redactions), the disclosure of identities of witnesses, as well as referrals to the Court's witness protection program;
 - d) Material already disclosed and intended to be disclosed by the Prosecution pursuant to Article 67(2) of the Statute and Rule 77 of the Rules;
 - e) Whether there are any outstanding issues relating to documents or information which the Prosecution obtained on the condition of confidentiality pursuant to Article 54(3)(e) of the Statute;
 - f) Views on the need for an updated Document Containing the Charges;
 - g) Whether the parties intend to call expert witnesses pursuant to Regulation 44 and, if so, whether they intend to give joint or separate instructions to them;
 - h) Evidence to be introduced under Rule 69 as regards agreed facts;
 - i) Update on victims' applications and the procedure for allowing victims to participate in the trial proceedings; and
 - j) Commencement date of the trial.
3. In its observations, the Defence requests that an *ex parte* status conference, Defence and Registry only, be scheduled immediately before or after the *inter partes* status conference.⁴ On the basis of the limited information provided, the Chamber is unable to assess the need, or basis,⁵ for an *ex parte* status conference, at this stage. The Chamber therefore directs the Defence to file written submissions on the issue of resources available to the Defence to

⁴ Defence Observations, ICC-01/04-02/06-364, paras 4, 13-18.

⁵ The Chamber notes that no reference to Regulation 83(4) of the Regulations is made, nor whether such situation a situation has arisen at this stage.

prepare for trial and logistics of family visits, should such matter require the attention of the Chamber at this time. These submissions are to be filed by 15 September 2014. The Registry shall respond by 19 September 2014. After receipt of these filings, the Chamber will decide whether it is opportune to schedule an *ex parte* status conference.

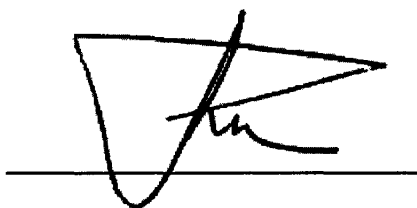
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

SETS the agenda for the status conference of 11 September 2014, as provided in paragraph 2;

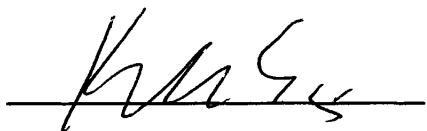
ORDERS the Defence to file written submissions, if any, as described in paragraph 3, by 15 September 2014; and

ORDERS the Registry to respond to the submissions, as described in paragraph 3, by 19 September 2014.

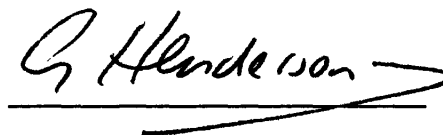
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Geoffrey Henderson

Dated 10 September 2014

At The Hague, The Netherlands