

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 24 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

**Decision on the request by the Redress Trust and Avocats sans Frontières for leave
to submit *amicus curiae* observations**

Decision 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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Redress Trust
Avocats sans Frontières

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Rule 103 of the Rules of Procedure and Evidence ('Rules'), issues the following 'Decision on the request by the Redress Trust and Avocats sans Frontières for leave to submit *amicus curiae* observations'.

1. On 29 August 2014, the Redress Trust and Avocats sans Frontières (collectively the 'Applicants') filed a request for leave to submit *amicus curiae* observations, pursuant to Rule 103 of the Rules ('Request').¹ They submit that they are 'well placed to provide information and assistance that would be of direct relevance to issues before the Chamber',² particularly with respect to the various procedures by which victims may participate in proceedings before the Court. The Applicants propose to 'consult victims, affected communities and other stakeholders in Ituri', as well as with 'partners in Kenya who have experience with the implementation of the tiered application and participation system'.³
2. On 8 September 2014, the Legal Representatives of Victims ('LRVs') collectively filed a response ('Joint Response').⁴ Although the LRVs do not oppose the Request, they highlight a number of issues arising from it. Notably, they submit that the benefits of the proposed *amicus curiae* observations are uncertain, as the LRVs have regular contacts and

¹ Application by the Redress Trust and Avocats sans Frontières for leave to submit observations pursuant to Rule 103 of the Rules of Procedure and Evidence, 29 August 2014, ICC-01/04-02/06-359.

² Request, ICC-01/04-02/06-359, para. 21.

³ Request, ICC-01/04-02/06-359, paras 26 and 29 (it is noted that there appears to be a formatting error in the Request affecting the paragraph numbering from para. 25 onwards).

⁴ Joint response to the "Application by the Redress Trust and Avocats sans Frontières for leave to submit observations pursuant to Rule 103 of the Rules of Procedure and Evidence" dated 29 August 2014, 8 September 2014, ICC-01/04-02/06-363.

consultations with the victims and ‘therefore provide an accurate picture of the victims’ views and concerns’ to the Chamber.⁵

3. On 23 September 2014, the defence team of Mr Ntaganda filed a response. It opposes the Request arguing, *inter alia*, that the Applicants did not clarify how their observations will add to the information already submitted to the Chamber by the Registry and the LRVs.⁶
4. The Chamber recalls that pursuant to Rule 103(1) of the Rules, it ‘may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate’.
5. In the case at hand, the Chamber notes that it is already in possession of the view of the LRVs,⁷ which is based on their consultations with the victims,⁸ as well as the Registry’s view,⁹ as to what model of application and participation of victims is the most appropriate. Furthermore, the parties have made submissions on the issues.¹⁰ Therefore, in this case the Chamber is not persuaded that the proposed observations of the Applicants would assist it with the proper determination of issues related to the victims’ application process and the modalities of their participation.

⁵ Joint Response, ICC-01/04-02/06-363, para. 17.

⁶ Defence Response to Redress/ASF Application, 23 September 2014, ICC-01/04-02/06-375, paras 3 and 8.

⁷ 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, paras 23-31; ICC-01/04-02/06-T-13, page 46, line 21 to page 47, line 11 and page 48, lines 2-20.

⁸ Joint Response, ICC-01/04-02/06-363, para. 17.

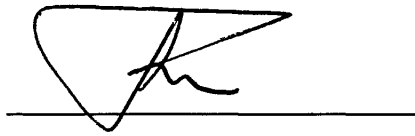
⁹ Registry submission pursuant to “Order Scheduling a Status Conference and Setting a provisional Agenda”, 14 August 2014, ICC-01/04-02/06-350, paras 12-21; ICC-01/04-02/06-T-13, page 51, line 23 to page 52, line 20.

¹⁰ Prosecution’s Submissions on the Provisional Agenda for the 20 August 2014 Status Conference, 14 August 2014, ICC-01/04-02/06-352, paras 37-41; ICC-01/04-02/06-T-13, page 49, line 12 to page 51, line 2.

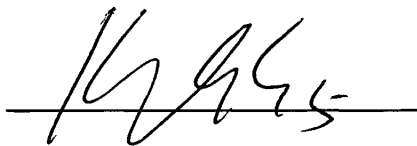
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Request.

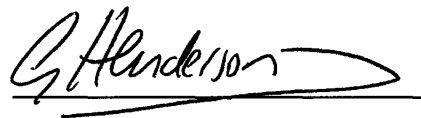
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a smaller, cursive 'f', written over a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by 'Ozaki', written over a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by 'Henderson', written over a horizontal line.

Judge Geoffrey Henderson

Dated 24 September 2014

At The Hague, The Netherlands