

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 18 February 2015

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 adopting the Protocol on dual status witnesses and the Protocol on
vulnerable witnesses**

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
Mr Luc Boutin

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**

**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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(2) and (3)(a) of the Rome Statute ('Statute'), issues the following 'Decision adopting the Protocol on dual status witnesses and the Protocol on vulnerable witnesses'.

1. On 18 December 2014, the Chamber issued the 'Order setting deadlines for the filing of submissions on outstanding protocols'.¹
2. On 23 January 2015, the Victims and Witnesses Unit ('VWU') submitted a protocol regarding the proposed mechanisms specific to dual status witnesses ('Protocol on dual status witnesses'),² as agreed by the parties, the participants and the VWU during a meeting held on 16 December 2014.³
3. On 5 February 2015, the VWU submitted a protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses ('Protocol on vulnerable witnesses'),⁴ as agreed by the parties, the participants and the VWU during a meeting held on 16 December 2014.⁵
4. The Chamber notes its duty, pursuant to Article 64(2) of the Statute, to ensure that the trial is fair and expeditious and conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses. The Chamber also recalls its power, under Article 64(3) of the Statute, to adopt necessary procedures to facilitate the fair and expeditious conduct of the proceedings.

¹ ICC-01/04-02/06-416 (notified on 19 December 2014).

² Annex 1 to Victims and Witnesses Unit's submission of the proposed mechanisms for exchange of information on individuals enjoying dual status pursuant to Order n° ICC-01/04-02/06-416, ICC-01/04-02/06-430-Anx1.

³ ICC-01/04-02/06-430, pages 3-4.

⁴ Annex 1 to Victims and Witnesses Unit's submission of the Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses pursuant to Order n° ICC-01/04-02/06-416, ICC-01/04-02/06-445-Anx1.

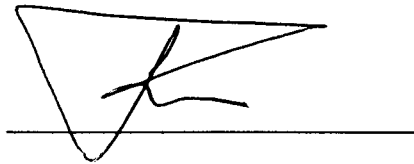
⁵ ICC-01/04-02/06-445, page 4.

5. Accordingly, and considering that the parties agree on the protocols' contents, the Chamber adopts these two protocols. To the extent that these protocols overlap with the 'Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant',⁶ the parties are to act in accordance with the obligations set out in each of them.⁷

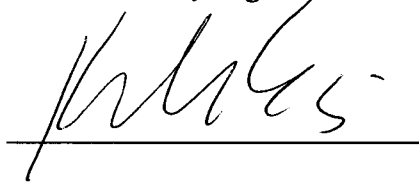
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ADOPTS the Protocol on dual status witnesses (ICC-01/04-02/06-430-Anx1) and the Protocol on vulnerable witnesses (ICC-01/04-02/06-445-Anx1).

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



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Geoffrey Henderson

Dated this 18 February 2015

At The Hague, The Netherlands

⁶ Annex A to Decision on adoption of a 'Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant', 12 December 2014, ICC-01/04-02/06-412-AnxA.

⁷ In particular, when a party's dual status witness contacts the opposing party under Section 6(b) of the Protocol on dual status witnesses, that opposing party must still notify the calling party in accordance with the Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant, or otherwise seek authorisation from the Chamber to deviate from those requirements.