

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 April 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

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

Public

**Decision on the Prosecution request for variation of time limit for disclosure of
the report of one expert witness**

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**

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**

Others

Trial Chamber VI ('Chamber')¹ of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(6)(f) of the Rome Statute and Regulation 35 of the Regulations of the Court ('Regulations'), issues the following 'Decision on the Prosecution request for variation of time limit for disclosure of the report of one expert witness'.

I. Procedural history and submissions

1. On 9 October 2014, the Chamber ordered that the disclosure of the reports of any expert witness, who is subject to joint instruction pursuant to Regulation 44(2) of the Regulations, or who will be called by the Office of the Prosecutor ('Prosecution'), is to be completed by 17 April 2015.²
2. On 16 April 2015, the Prosecution submitted its list of the thirteen proposed expert witnesses it intends to call, indicating that it will provide copies of their reports by 17 April 2015 - with the exception of a report by the proposed trauma expert for which it requests a variation of time limit ('Prosecution Request').³ The Prosecution submits that due to previous commitments and his professional schedule, the proposed expert in question, Dr John Yuille, will be unable to provide his report by 17 April 2015.⁴ It therefore seeks an extension of the deadline until 6 May 2015.⁵

¹ Where 'Chamber' is used in this decision it refers to both Trial Chamber VI as composed by the Presidency's 'Decision replacing a judge in Trial Chamber VI', 18 March 2015, ICC-01/04-02/06-521 and to the Chamber in its previous composition.

² Order Scheduling a Status Conference and Setting the Commencement Date for the Trial, 9 October 2014, corrected version 28 November 2014, ICC-01/04-02/06-382-Corr.

³ Prosecution's list of expert witnesses and request pursuant to regulation 35 to vary the time limit for disclosure of the report of one expert witness, ICC-01/04-02/06-560.

⁴ Prosecution Request, ICC-01/04-02/06-560, para 14.

⁵ Prosecution Request, ICC-01/04-02/06-560, para 17.

3. On 23 April 2015, the defence team for Mr Ntaganda ('Defence') filed its response indicating that it considers that good cause had been shown and that it does not oppose the Prosecution Request.⁶

II. Analysis

4. The Chamber notes that the proposed expert witness is unable to provide his report by the 17 April 2015 deadline due to other professional commitments, but would be able to do so by 6 May 2015, thus causing only a few weeks delay. The Chamber further notes that the Defence does not oppose the delayed provision of the report.
5. In light of the foregoing, the Chamber considers that the delay caused by the requested variation of time limit will not prejudice the fair and expeditious conduct of proceedings.

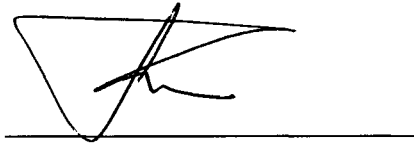
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the Prosecution Request; and

DIRECTS the Prosecution to submit the outstanding report of the proposed expert by 6 May 2015.

⁶ Response on behalf of Mr Ntaganda to Prosecution request pursuant to regulation 35 to vary the time limit for disclosure of the report of one expert witness, ICC-01/04-02/06-570.

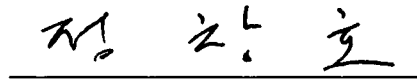
Done in both English and French, the English version being authoritative.

A stylized signature of Judge Robert Fremr, consisting of a large, bold, triangular shape with a horizontal line extending to the right, and a smaller, more complex mark to the right of the triangle.

Judge Robert Fremr, Presiding Judge

A stylized signature of Judge Kuniko Ozaki, written in a cursive, flowing style.

Judge Kuniko Ozaki

A stylized signature of Judge Chang-ho Chung, written in a cursive, flowing style.

Judge Chang-ho Chung

Dated this 30 April 2015

At The Hague, The Netherlands