



Original: **English**

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

Date: **19 May 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

Joint observations on the “Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings”

Source: Office of Public Counsel for Victims

Document 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 the Defence

Me Stéphane Bourgon

Me 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**

Amicus Curiae

States Representatives

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

SUBMISSIONS

1. The Common Legal Representatives (the “Legal Representatives”) hereby file these joint observations on the “Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings”, dated 24 April 2015.¹

2. The Defence requests that the parties be involved in developing the outreach strategies for planned *in situ* hearings.² It submits that such an involvement is necessary “to ensure the fairness of the strategy and the equality of treatment of both parties”.³ The Legal Representatives do not object to the Defence request in so far as it requires the Registry to conduct regular consultations with the parties on the strategies adopted. The Legal Representatives also reiterate their request to take part in this procedure.⁴ The participation of the Legal Representatives in this process is essential and is consistent with the declared objective to bring justice closer to the victims and affected communities.⁵

3. The Legal Representatives submit that it is necessary that the involvement of the parties be limited to the formulation of suggestions and comments, with a view to ensuring a clear and fair representation of the proceedings to the public. Such an involvement must take place without undue interference with the Registry’s work. As a neutral organ of the Court, the Registry should retain the power to decide on the specific outreach activities to be conducted in the field, in accordance with the guidelines set out by the Chamber. Likewise, the Registry must maintain discretion in respect of the dissemination of photographs, videos and other media materials pertaining to *in situ* hearings.

¹ See the “Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings”, No. ICC-01/04-02/06-571, 24 April 2015 (the “Request”).

² *Idem*, para. 9.

³ *Ibid.*

⁴ See the Transcript of the hearing on 21 April 2015, No. ICC-01/04-02/06-T-19-ENG ET WT, p. 56 lines 21 to 23.

⁵ See the “Addendum to ‘Registry revised feasibility report on trial *in situ*’ (ICC-01/04-02/06-438), dated 2 February 2015”, No. ICC-01/04-02/06-505-Conf, 11 March 2015, para. 5.

4. Bearing in mind these concerns, the Legal Representatives oppose the Defence's request to be present in "*face to face meetings [...] with the relevant groups*".⁶ Rather, these meetings should be conducted solely by the Registry, particularly given the risks that this may pose to the safety and security of the victims and other relevant representatives of the affected communities. On the other hand, the Legal Representatives recognise the need for the Registry to consult with the parties and participants on the criteria applied for the selection of the relevant representatives among affected communities. The Registry should also clarify the procedure adopted for selection of the individuals entitled to attend *in situ* hearings.

Respectfully submitted,



Dmytro Suprun
Common Legal Representative of the
Victims of the Attacks



Sarah Pellet
Common Legal Representative of the
Child soldiers

Dated this 19th Day of May 2015

At The Hague, The Netherlands

⁶ See the Request, *supra* note 1, para. 10.