

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 16 June 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

Order scheduling the opening statements

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
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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber')¹ of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64 of the Rome Statute and Rule 132(1) of the Rules of Procedure and Evidence ('Rules'), issues the following 'Order scheduling the opening statements'.

1. On 9 October 2014, the Chamber set the commencement date for the trial for 2 June 2015.²
2. On 19 March 2015, the Chamber held that it was in the interests of justice to recommend to the Presidency, pursuant to Rule 100(2) of the Rules, that the opening statements of the trial be held in Bunia in the Democratic Republic of Congo ('Chamber's Recommendation'). The Chamber did so 'with the intention of bringing the judicial work of the Court closer to the most affected communities'.³
3. On 22 April 2015, the Chamber postponed the commencement date of trial until the second or third week of July 2015, with the precise date to be announced once a decision by the Presidency had been taken on the Chamber's Recommendation.⁴
4. On 15 June 2015, the Presidency, following the conduct of consultations as outlined in Rule 100(3) of the Rules, issued its decision on the matter ('Presidency's Decision'),⁵ holding that the benefits of holding the opening statements in Bunia are outweighed by, *inter alia*, the risks to the security of witnesses, victims, and their families, as well as to the broader affected

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, ICC-01/04-02/06-382, para. 10. A corrigendum was filed on 28 November 2014 (ICC-01/04-02/06-382-Corr).

³ Recommendation to the Presidency on holding part of the trial in the State concerned, ICC-01/04-02/06-526, para. 21.

⁴ Transcript of Hearing of 22 April 2015, ICC-01/04-02/06-T-19-ENG ET, page 7, lines 7-10.

⁵ Decision on the recommendation to the Presidency on holding part of the trial in the State concerned, ICC-01/04-02/06-645-Red.

communities. Despite the security measures that were envisaged to be put in place, concerns remained as to whether they would be sufficient to counter the security risks outlined subsequent to the Chamber's Recommendation. Additionally, the Presidency noted that the affected communities would have relatively limited access to the proceedings, due to 'their length and nature'. It further noted the increased costs of holding the proceedings in Bunia.⁶ The Presidency therefore decided that the opening statements shall be held at the seat of the Court, in The Hague.⁷

5. Accordingly, the Chamber hereby schedules the opening statements, at the seat of the Court, for 7 and 8 July 2015, with a possible extension to 9 July 2015.
6. The Chamber clarifies that the parties and participants are to provide copies of any material they intend to use in the course of their opening statements no later than 29 June 2015, unless the material is already on the List of Evidence of the Office of the Prosecutor. In that case, they shall nonetheless, by the same deadline, indicate to the other party and participants which materials they intend to use during opening statements. Objections to the use of such material, if any, shall be filed no later than 2 July.⁸
7. The Chamber further notes the request by the defence team for Mr Ntaganda to be involved in the development of the outreach strategy during the organisation phase of possible hearings in Bunia,⁹ and the responses and

⁶ Presidency's Decision, ICC-01/04-02/06-645-Red, para. 26.

⁷ Presidency's Decision, ICC-01/04-02/06-645-Red, para. 27.

⁸ In its decision on the conduct of proceedings, the Chamber had already indicated that the provision of material was to be done no later than eight days before the commencement of the trial, and objections, if any, were to be filed no later than six days prior to the start of trial (Decision on the conduct of proceedings, 2 June 2015, ICC-01/04-02/06-619, para. 10).

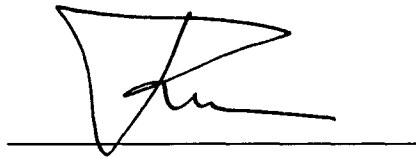
⁹ Submission on behalf of Mr Ntaganda in relation to possible *in situ* hearings, 24 April 2015, ICC-01/04-02/06-571.

observations thereto.¹⁰ As a result of the decision to hold the opening statements in The Hague, these filings are now moot.

THE CHAMBER HEREBY

SCHEDULES the opening statements for 7 to 9 July 2015.

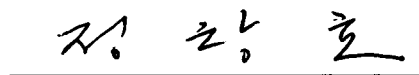
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 16 June 2015

At The Hague, The Netherlands

¹⁰ Prosecution response to “Submission on behalf of Mr Ntaganda in relation to possible in situ hearings”, 18 May 2015, ICC-01/04-02/06-599; Joint observations on the “Submission on behalf of Mr Ntaganda in relation to possible in situ hearings”, 19 May 2015, ICC-01/04-02/06-600; and Registry Observations on the Submission on behalf of Mr. Ntaganda in relation to possible in situ hearings (ICC-01/04-02/06-571), 25 May 2015, ICC-01/04-02/06-608.