

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 5 February 2016

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

**Public redacted version of “Prosecution’s amended schedule for the third
evidentiary block”, 1 February 2016, ICC-01/04-02/06-1123-Conf**

Source: Office of the Prosecutor

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

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

Deputy Registrar

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

1. The Office of the Prosecutor (“Prosecution”) submits an amended schedule for the remaining witnesses to be called during the third evidentiary block, further to the order of Trial Chamber VI (“Chamber”).¹

Procedural History

2. On 24 November 2015, the Prosecution submitted a list of witnesses it intended to call during the third evidentiary block, in order of appearance,² as instructed by the Chamber.³
3. On 18 January 2016, the third evidentiary block started with the testimony of Witness [REDACTED] followed by the testimony of Witness [REDACTED].
4. On 25 January 2016, the Defence informed the Chamber that due to the unavailability of the Associate Counsel, it is unable to proceed with the remaining witnesses scheduled to testify during the third evidentiary block. It requested that the Chamber vary the schedule of appearance of the remaining witnesses from the third evidentiary block and postpone the testimony of Witnesses [REDACTED] and [REDACTED] to the fourth evidentiary block (“Defence Request”).⁴
5. On 27 January 2016, the Prosecution opposed the Defence Request and proposed to postpone the testimony of Witness [REDACTED], should the

¹ ICC-01/04-02/06-1115-Red.

² Prosecution email sent to the Chamber on 24 November 2015 at 16:17.

³ ICC-01/04-02/06-507, para. 6(ii).

⁴ ICC-01/04-02/06-1102-Red, para. 23.

Chamber deem this necessary.⁵ On the same day, the Defence sought leave to reply to the Prosecution response⁶ which was rejected by the Chamber.⁷

6. On 28 January 2016, the Chamber partially granted the Defence Request and ordered the Prosecution to file an amended schedule for the remaining witnesses to be called during the third evidentiary block by 1 February 2016.⁸

Confidentiality

7. This filing is classified as “Confidential”, pursuant to regulation 23*bis*(1) and (2) of the Regulations of the Court, as it contains information which could impact the security of Prosecution witnesses and further to previous filings and decisions bearing the same confidentiality classification. A public redacted version will be filed simultaneously.

Prosecution’s Submissions

8. Further to the Chamber’s order,⁹ the schedule of the witnesses in this evidentiary block has been amended as follows: Witness [REDACTED] will testify between 8-12 February 2016 and Witness [REDACTED] will testify between 15-17 February 2016.
9. The Prosecution intends to call Witness [REDACTED] in the third evidentiary block since he is already in The Hague and has started his witness preparation sessions. He is scheduled to testify from 22-26 February 2016.

⁵ ICC-01/04-02/06-1112-Conf-Red, para. 20.

⁶ Defence email sent to the Chamber on 27 January 2016 at 22:48.

⁷ ICC-01/04-02/06-T-58-ENG RT, p. 5, ll. 7-10.

⁸ ICC-01/04-02/06-1115-Red.

⁹ ICC-01/04-02/06-1115-Red, para. 12.

10. Witness [REDACTED] is removed from this block and his testimony will be postponed until the next evidentiary block.



Fatou Bensouda,
Prosecutor

Dated this 5th day of February 2016
At The Hague, The Netherlands