

1 International Criminal Court

2 Pre-Trial Chamber II - Courtroom 1

3 Situation: Democratic Republic of the Congo

4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06

5 Single Judge Ekaterina Trendafilova

6 Initial Appearance

7 Tuesday, 26 March 2013

8 (The hearing starts in open session at 11.06 a.m.)

9 THE COURT USHER: All rise.

10 The International Criminal Court is now in session.

11 Please be seated.

12 JUDGE TRENDAFILOVA: Good morning to everyone. Please be seated.

13 Good morning. I would like to welcome everyone who is in the courtroom today. I
14 welcome the suspect, Mr Ntaganda, to this initial appearance hearing, and I would like to
15 turn to the Office of the Prosecutor, welcoming the team of Madam Prosecutor. Also I
16 would like to welcome the Defence of Mr Ntaganda, as well as the members of the
17 Registrar. Also my welcome extends to the interpreters, to the stenographers, to the
18 courtroom staff and the security officers, who diligently assist us in our work. Finally, I
19 would like to greet those in the public gallery and outside the Court who are joining us
20 this morning.

21 I would like also to explain a delay of seven minutes. Our Chamber is very diligent
22 about the timing and very respectful in particular when the timing is set up by the
23 Chamber, but I was asked by the representative of the Registry to a little bit delay my
24 appearance in the courtroom due to some technicalities that the Office of the Prosecutor
25 was experiencing with regard to the live transcript.

1 Thus, I would very much appeal to the Registry that in the next hearings and status
2 conferences to follow, that the representatives of the Registry make the necessary
3 arrangements so that we are adhering to the time schedule as decided by the Chamber
4 and convene to everyone who is to appear in the courtrooms, and there were also some
5 issues with regard to further on providing more opportunities to the Defence of
6 Mr Ntaganda to thoroughly study the report for the transfer of Mr Ntaganda to the ICC.
7 Now, I turn to the decision that was issued authorising photographs to be taken and video
8 recordings to be made for one-minute-and-a-half and pursuant to this decision I would
9 ask the court officer to please invite the photographers into the courtroom for one
10 minute-and-a-half and no more.

11 Good morning. Please, you have one-minute-and-a-half, hoping that you will be able to
12 do your job.

13 You did your job, so you may leave the courtroom.

14 Now I would turn to the court officer and ask that he calls the case, please.

15 THE COURT OFFICER: Yes, Madam President.

16 Situation in the Democratic Republic of the Congo, in the case of The Prosecutor versus
17 Bosco Ntaganda, case reference ICC-01/04-02/06.

18 JUDGE TRENDABILOVA: Thank you, court officer. Thank you very much.

19 At this point I would like to invite the parties in this hearing and the Registrar to
20 introduce themselves. Before you start, I would also ask the parties and participants to
21 speak slowly and to make a pause before responding to any question so that the
22 interpreters could be granted enough time to do their duties.

23 So beginning now with the Office of the Prosecutor, I ask you, Madam Prosecutor, to
24 introduce yourself and the members of your team with whom you appear in the
25 courtroom today.

1 MS BENSOUA: Thank you, Madam President.

2 Madam President, the Office of the Prosecutor is today represented by: Mr James

3 Stewart, the Deputy Prosecutor; Nicole Samson, trial lawyer; Pascal Turlan, international

4 co-operation adviser; Selam Yirgou, case manager; and myself, Fatou Bensouda,

5 Prosecutor.

6 JUDGE TRENDAFILOVA: Thank you very much, Madam Prosecutor.

7 Now I turn to the Defence of the suspect. You are invited to take the floor and present

8 yourself and the members of your team.

9 MR BEL LAKHDAR: (Interpretation) Yes, I am Mr Bel Lakhdar. I am a lawyer and a

10 member of the Paris Bar, also connected to the Appellate Court in Paris. I am

11 accompanied by Mr Keïta, as well as Mohamed Youssef from the Defence Counsel

12 Support Section.

13 Thank you, your Honour.

14 MR KEÏTA: (Interpretation) The Defence wishes to thank you, your Honour, and we

15 apologise for the short delay that was required to review the report that was sent to us by

16 the Registry. I'm here to assist my learned friend, Mr Bel Lakhdar. We have

17 Mr Mohamed Youssef with us as well and myself, Xavier-Jean Keïta. So I am here on an

18 ad hoc basis.

19 JUDGE TRENDAFILOVA: Thank you, Mr Keïta. Of course you have the duties

20 pursuant to Regulation 77 of the Regulations of the Court and you are welcome to the

21 courtroom this morning. You shouldn't apologise, because everything that is in the

22 interests of properly conducting your duties for the limited purposes of this hearing is

23 accepted by the Bench.

24 Now I turn to the Registry, the representatives of the Registry. Mr Preira?

25 MR PREIRA: (Interpretation) Yes, your Honour. Today, with me today is Mr Marc

1 Dubuisson, Director of Court Management Services; and Pieter Vanaverbeke, judicial
2 co-ordinator within the Registry; and myself, Didier Preira, Deputy Registrar.

3 I would also like to take this opportunity, your Honour, to apologise for this morning's
4 delay, owing to a number of technical difficulties that were out of our control.

5 We have duly noted your concern and we'll take all necessary measures to ensure that this
6 does not happen again.

7 JUDGE TRENDAFILOVA: Thank you, Mr Preira. It is appreciated.

8 Finally, I would like to introduce myself and the legal support staff to this Chamber. I
9 am Ekaterina Trendafilova, the Presiding Judge of Pre-Trial Chamber II, designated by
10 virtue of a decision of the Chamber pursuant to Article 57(2)(b) of the Rome Statute to be
11 the Single Judge in this case. I will exercise the functions of the Pre-Trial Chamber, with
12 the exceptions where decisions of the full Chamber should be taken as provided in
13 Article 57(2)(a) of the Rome Statute.

14 The other members of Pre-Trial Chamber II, who are going to deal with the case and who
15 are going to appear in the Confirmation of Charges hearing where the full Chamber
16 should be present, are Judge Hans-Peter Kaul and Judge Cuno Tarfusser, who are not in
17 the courtroom today.

18 Seated in front of the Bench are the senior legal adviser of the Pre-Trial Division,
19 Mr Gilbert Bitti; legal officers Mohamed El Zeidy and Federica Gioia; as well as the
20 assistant legal officer, Niccolo Pons. Also in the courtroom are present the interns to the
21 Chamber: Teodora Jugrin, Michael Holtzman, Jocelyn Hackett and Johannes Lamsfuss.
22 Now I turn to the suspect, to Mr Ntaganda, with the question that you identify yourself to
23 the Court. In particular, you're invited to tell us your full name, your date and place of
24 birth and finally your current profession.

25 At this point I have to address the issue of your language proficiency, Mr Ntaganda. On

1 behalf of the Chamber, I seek your views on whether you fully understand and speak
2 either of the two working languages of the Court; namely French and English.
3 Given the report that the Defence - your Defence team - could study before the
4 commencement of the initial appearance hearing, that I studied myself yesterday late in
5 the evening, I got the impression that at one point you have been communicating with the
6 representative of the Registry of the International Criminal Court, Mr Dubuisson, in
7 French, but still later on you made the point that you feel more comfortable with some
8 other languages.

9 So this is the first question that I would like to raise with you and I'm seeking your answer.
10 You have the floor, Mr Ntaganda. Please switch on your microphone.

11 MR NTAGANDA: (Interpretation) Thank you very much. You asked me to give my
12 date of birth and I will tell you that. Regarding the languages I understand French
13 somewhat, but I speak Kinyarwanda fluently.

14 JUDGE TRENDAFILOVA: So I'm sorry, Mr Ntaganda. So your preference, if your
15 preference is to proceed with the language you fully understand and speak, namely
16 Kinyarwanda, then the Registry should make the necessary arrangements so that an
17 interpreter in this language would join the interpreters' booth.
18 This is already arranged. That is how I get your nodding.

19 So, Mr Ntaganda, you can proceed, identifying yourself in a language that you fully
20 understand and speak in Kinyarwanda.

21 MR NTAGANDA: (Interpretation) I will answer your questions. I was born on 5
22 November 1973. I was born in Rwanda, but I grew up in the Congo.

23 JUDGE TRENDAFILOVA: So your nationality is Congolese?

24 MR NTAGANDA: (Interpretation) I am a Congolese citizen.

25 JUDGE TRENDAFILOVA: Thank you.

1 MR NTAGANDA: (Interpretation) Yes.

2 JUDGE TRENDAFILOVA: Mr Ntaganda, shall I remind you again? Would you tell us
3 your full name - you said you were born on 5 November 1973, the place of your birth you
4 said the country Rwanda - and your current occupation? So your full name and the
5 current occupation?

6 MR NTAGANDA: (Interpretation) My name is Bosco Ntaganda. I have only those
7 two names; the names that were given to me by my parents. As you know, I was a
8 soldier in the Congo.

9 JUDGE TRENDAFILOVA: That was your occupation before your appearance before the
10 ICC?

11 MR NTAGANDA: (Interpretation) Yes.

12 JUDGE TRENDAFILOVA: Yes, thank you very much, Mr Ntaganda.

13 MR NTAGANDA: (Interpretation) That was my occupation.

14 JUDGE TRENDAFILOVA: Thank you very much. You could be seated.

15 Having dispensed with the necessary preliminary matters, I would like to highlight the
16 nature and the purpose of the initial appearance so that the parties and participants
17 adhere to the subject matter of today's hearing and not raise and expect that the Chamber
18 is engaged in issues that go beyond.

19 Moreover, for the sake of clarity and mindful of those who are joining us in the public
20 gallery and outside the Court, I will explain that today's hearing is not a trial. It is not a
21 confirmation hearing. Thus no evidence will be presented, nor will the issue of guilt or
22 innocence be addressed, let alone a decision to be taken.

23 As such, the scope of the initial appearance is limited and is governed by two provisions
24 of the statutory documents; namely Article 60(1) and Rule 121(1) of the Rules of Procedure
25 and Evidence. These two provisions delineate the subject matter of this hearing, which is

1 first that the Pre-Trial Chamber is satisfied that Mr Ntaganda has been informed of the
2 crimes which he is alleged to have committed.

3 Second, that -- shall I slow down? Okay.

4 Second, that the Pre-Trial Chamber is satisfied that Mr Ntaganda has been informed of his
5 rights under the Rome Statute and the other statutory documents.

6 And finally, third, the Pre-Trial Chamber must set the date on which it intends to hold the
7 hearing to confirm or to decline to confirm the charges.

8 Therefore, I will now proceed consecutively with regard to the three issues shaping the
9 subject matter of today's hearing.

10 Now, court officer, please would you read the counts as presented in the two arrest
11 warrants against Mr Ntaganda. You have the floor.

12 THE COURT OFFICER: Thank you, Madam President. I will switch into French to
13 read the charges.

14 (Interpretation) Pursuant to the public corrigendum of the warrant of arrest, reference
15 ICC-01/04-02/06, dated 7 March 2007, the corrected version of 7 March, Pre-Trial Chamber
16 I concluded that there were reasonable grounds to believe that Mr Bosco Ntaganda is
17 criminally liable under Article 25(3)(a) of the Statute for the following war crimes
18 committed in the Ituri district in the Western Province of the DRC from July 2002 to
19 December 2003; namely the war crime of enlistment of children under the age of 15
20 punishable under Article 8(2)(b)(xxvi) or Article 8(2)(e)(vii) of the Statute; the war crime of
21 conscription of children under the age of 15 punishable under Article 8(2)(b)(xxvi) or
22 Article 8(2)(e)(vii) of the Statute; and the war crime of using children under the age of 15,
23 having them participate actively in hostilities, punishable under Article 8(2)(b)(xxvi) or
24 Article 8(2)(e)(vii) of the Statute.

25 In the decision regarding the application under Article 58, ICC-01/04-02/06-36, redacted

1 version, dated 13 July 2012, the Pre-Trial Chamber concluded that Mr Bosco Ntaganda is
2 criminally responsible under Article 25(3)(a) of the Statute to the required standard as an
3 indirect co-perpetrator for the following crimes against humanity and war crimes
4 committed in the Ituri district, Province Orientale, of the Democratic Republic of the
5 Congo between 1 September 2002 and the end of September 2003; namely murder,
6 constituting a crime against humanity, Article 7(1)(a) of the Statute (Count 1); rape and
7 sexual slavery constituting crimes against humanity, Article 7(1)(g) of the Statute (Count
8 4); persecution, constituting a crime against humanity, Article 7(1)(h) of the Statute (Count
9 6); murder, constituting a war crime, Article 8(2)(c)(i) of the Statute (Count 2); attack
10 against the civilian population thus constituting a war crime, Article 8(2)(e)(i) (Count 3);
11 rape and sexual slavery constituting war crimes, Article 8(2)(e)(vi) of the Statute (Count 5);
12 pillaging constituting a war crime, Article 8(2)(e)(v) of the Statute (Count 7).

13 Thank you, your Honour.

14 JUDGE TRENDABILOVA: Thank you, court officer.

15 I have read the report, as already mentioned in the beginning, provided by the Registry,
16 but now I would seek still the views of Mr Ntaganda whether he has been sufficiently
17 informed of the crimes he's alleged to have committed, as read a minute ago. Please,
18 Mr Ntaganda, you are invited to take the floor.

19 MR NTAGANDA: (Interpretation) Yes, I have been informed of these crimes. I don't
20 know whether I can continue?

21 JUDGE TRENDABILOVA: Yes, you can make any comments please. Please go ahead,
22 Mr Ntaganda.

23 MR NTAGANDA: (Interpretation) I was informed of these crimes, but I plead not
24 guilty because of these crimes.

25 JUDGE TRENDABILOVA: Mr Ntaganda, I wouldn't like to interrupt you, because you

1 have to feel at ease and to speak out how you feel about the question that I have raised
2 with you, but maybe I have to once again repeat: The purpose of the initial appearance is
3 a very limited one, just to know whether you have been informed about the crimes you
4 are alleged to have committed, number 1; whether you have been informed about your
5 rights as granted by the statutory document; and we are not discussing now anything
6 related to your guilt, to your innocence, nothing beyond these two points that I made and
7 of course our duty to establish the commencement -- the date for the commencement of
8 the confirmation hearings. You will have ample opportunities to make your point as
9 thoroughly and as much as necessary to the Chamber.

10 MR NTAGANDA: (Interpretation) Yes, I was informed of these crimes.

11 JUDGE TRENDABILOVA: Yes, thank you, Mr Ntaganda.

12 Please, just remain standing up because I have another question for you; whether you
13 have been informed of the rights as provided by the statutory documents? Again, it is
14 reflected in the report that you and your counsel had access to, but still I must hear from
15 you.

16 MR NTAGANDA: (Interpretation) Yes, I have been informed.

17 JUDGE TRENDABILOVA: Please, thank you, you may be seated.

18 In addition to the statement of Mr Ntaganda at the present hearing, and in addition to
19 everything that has been done by the representative of the Registry pursuant to the duties
20 assigned by the statutory documents to the representatives of the Registry, I would like to
21 once again seize the moment to reiterate, albeit not exhaustively, the rights that are
22 essential to the suspect in the conduct of these proceedings.

23 Mr Ntaganda, the statutory regime of this Court, in accordance and consistent with
24 international human rights, affords you with the following rights:

25 You will be presumed innocent until proven guilty beyond a reasonable doubt at trial,

1 with the onus placed on the Prosecutor to prove your guilt. You have the right not to
2 have imposed on you any reversal of the burden of proof or any onus of rebuttal.
3 Next, you have the right to receive and to have disclosed to you material which shows or
4 tends to show innocence, mitigates guilt or which may affect the credibility of
5 Prosecution's evidence that are in possession of the Prosecutor.
6 You have also the right at the Confirmation of Charges hearing to follow in some months
7 to object to the charges, to challenge the evidence presented by the Prosecutor and to
8 present evidence. There will be no trial in case the charges are not confirmed by the
9 Pre-Trial Chamber.
10 You will be informed promptly and in detail of the nature, cause and content of the
11 charges in a language that you fully understand and speak, which is Kinyarwanda.
12 You're entitled to waive your right to be present at the hearing on the Confirmation of
13 Charges, Rule 124(1). However, you should be mindful that the Chamber is entitled to
14 order you to appear if the Chamber considers it necessary and decides not to hold the
15 hearing in your absence. This is paragraph 4 of the same Rule 125.
16 You're also entitled to waive your right to attend status conferences to be conducted for
17 the purpose of the proper and efficient disclosure proceedings. You will have adequate
18 time and facilities for the preparation of your defence. You have the right also to be tried
19 without undue delay. You may put questions to and examine witnesses. This dually
20 applies to the Confirmation of Charges hearing.
21 You may make unsworn oral or written statements in your defence. You also have the
22 right to apply for interim release pending trial. This is provided in Article 60 and in
23 Rule 118 of the Rules of Procedure and Evidence. You have the right also to appeal
24 certain decisions in accordance with Article 82(1) of the Statute and the relevant
25 provisions of the Rules of Procedure and Evidence.

1 Furthermore, the Registry is obliged to organise the staff of the Registry in a manner that
2 promotes the rights of the Defence consistent with the principle of a fair trial, Article 43(1)
3 and Rule 20.

4 Finally, being satisfied that Mr Ntaganda has been informed of the crimes he's alleged to
5 have committed for the limited purposes of the initial appearance I emphasise, and of his
6 rights before the Court, I shall proceed with setting the date for the Confirmation of
7 Charges hearing.

8 There is an exchange between the members of the Defence team. Maybe the Defence
9 counsel would like to raise something prior to the third subject matter of today's hearing?

10 MR BEL LAKHDAR: (Interpretation) No, Madam President. We were simply
11 looking at a few items relating to the formalities, and we agree that anything that we have
12 to say will be made at the end because I cannot interrupt the Presiding Judge.

13 Thank you.

14 JUDGE TRENDAFILOVA: Of course. Of course. Thank you very much, Mr Bel
15 Lakhdar. I think I pronounce correctly your name.

16 Now, the Judges of Pre-Trial Chamber II have considered the appropriate date to be set
17 for the Confirmation of Charges hearing. We have considered as possible the following
18 months: July, August and September.

19 We have thoroughly considered a number of factors that should be informative for the
20 decision of the Pre-Trial Chamber so that the proceedings up until then unfold efficiently
21 with due regard to the rights of the suspect. Thus keeping in mind the following factors,
22 namely the Chamber's respect for international human rights standards, one, then taking
23 heed of the fact that the parties would require some period of time for the preparation of
24 the confirmation hearing, third the fact that the first arrest warrant was issued in year
25 2006, and thus almost seven years have elapsed since then, as well as the fact that

1 Mr Ntaganda needs to properly acquaint himself with the warrants of arrest and to
2 prepare accordingly his defence, the Judges of Pre-Trial Chamber II have decided that 23
3 September 2013 is the date for the commencement of the confirmation hearing.
4 The Judges are of the view that as of today until that date there is sufficient time for highly
5 professional lawyers on both sides to prepare for the confirmation hearing. Certainly
6 depending on the development of the proceedings the date established by the Chamber
7 during this hearing may change, as is provided in Rule 121(7).
8 Before concluding the present hearing and before giving the floor to the parties, if they
9 would like to raise some issues with the Chamber, I will take advantage of the present
10 hearing and, in order to facilitate the proper and expeditious conduct of the proceedings
11 and put the parties at ease, I issue the following oral decision convening a status
12 conference for Monday, 15 April at 14.30, to take place in Courtroom 1, in this courtroom,
13 to discuss issues related to the disclosure of evidence. The Prosecutor, the Defence and
14 the Registry are requested to participate.
15 Consistent with one of the rights that I have explained to Mr Ntaganda, that he's not
16 obliged to attend the status conferences, I once again reiterate that it is up to him whether
17 he would like to be present, or he will leave it to his Defence team to properly discuss in
18 the presence of the Prosecutor with the Judge the best terms of the disclosure to follow.
19 At the status conference, the Prosecutor will be requested to the extent possible to provide
20 information on the following: I highlight "to the extent possible" because there will be
21 other status conferences to follow, but just as a starting point I would like to give some
22 guidance about the expectations of the Single Judge with regard to the participation of the
23 two parties during this status conference.
24 First, information related to the estimate of the overall amount of documents the
25 Prosecutor intends to use as evidence at the confirmation hearing.

1 Second, the number of witnesses, if any, that Madam Prosecutor and her team intend to
2 call to testify at the confirmation hearing and the number of witness statements she
3 intends to use again for the purposes of the confirmation hearing pursuant to Rule 76 of
4 the Rules.

5 Third, an indication as to whether the Prosecutor intends to request that certain
6 documents be disclosed to the Defence in a redacted form and, in the affirmative, an
7 estimate of the amount of such documents.

8 Fourth, an indication as to whether the Prosecutor intends to request that protective
9 measures be put in place in order to protect witnesses, victims or other persons at risk
10 prior to disclosure of the names of the witnesses or of certain documents.

11 Fifth, an indication as to whether the Prosecutor obtained documents and how many at
12 the time of the status conference, or information on the conditions of confidentiality in
13 accordance with Articles 54(3)(e), 72 and 93 of the Rome Statute that contain exculpatory
14 information under Article 67(2) of the Statute, or are to be considered material for the
15 preparation of the defence pursuant to Rule 77 of the Rules of Procedure and Evidence,
16 and in the affirmative whether measures to obtain the consent of the information provider
17 regarding disclosure of this material have already been taken, or are to be taken in the
18 proceedings to follow.

19 I turn now to the Defence. The Defence will be invited at that status conference to
20 indicate to the extent possible whether it anticipates presenting evidence at the
21 confirmation hearing and, if so, its envisaged amount, again to the extent possible,
22 including whether the Defence intend to call live witnesses at the hearing.

23 The participation of the Defence of course is conditional on the information to be provided
24 by the Prosecutor, because everyone is aware that the Prosecutor is the triggering tool in
25 these proceedings, but still, if the Defence would have some information, it would be

1 appreciated for the purposes of establishing a calendar - a proper calendar - for the
2 disclosure proceedings to follow.

3 The Registry is also invited to be present at the status conference in order to indicate the
4 technical modalities that would be most suitable for ensuring the efficiency and
5 expeditiousness of the disclosure proceedings.

6 Mr Dubuisson -- Mr Pereira, Mr Dubuisson, I would ask you to make the necessary
7 arrangements for the status conference on 15 April at 14.30 in Courtroom 1.

8 Now, before we close the initial appearance hearing I would still ask the parties whether
9 they would like to raise any issue, still mindful of the limited purpose of this initial
10 appearance hearing. So I invite the parties to speak out freely, but still professionally,
11 limiting themselves to what is our job today.

12 Madam Bensouda, do you have --

13 MS BENSOU DA: Madam President, the Prosecution has no comments at this stage.

14 JUDGE TREND AFILOVA: Thank you very much, Madam Prosecutor.

15 Now I turn to the Defence counsel. If any, of course you can always approach the
16 Chamber. You can always approach the Chamber in any issue related to the defence of
17 Mr Ntaganda in a filing in writing to the Chamber.

18 MR BEL LAKHDAR: (Interpretation) Madam President, there are a number of things
19 that I may have desired to present to you, but for now I have no particular remarks to
20 make during this hearing.

21 All I would like to say is that my client has already indicated that he will apply for interim
22 release, but that will not be done today.

23 In that regard, and within the context of equality of arms, I would like to invite or request
24 of the Presiding Judge to request that the Prosecution disclose to us all documents relating
25 to the two warrants of arrest.

1 You know that there were two warrants of arrest in this case, 2006 and 2012; the first being
2 in 2006 and the amended version coming up in 2012. Defence needs all those documents
3 in order to organise its defence, particularly and at least in respect to the warrants of
4 arrest.

5 Now, regarding the confirmation of hearing, I have no objection in that connection.

6 However, Madam President, allow me to take a little bit of your time to mention a small
7 incident that happened yesterday at the Detention Centre when I was having a discussion
8 with my client in the presence of two interpreters.

9 At some point during our discussion, when we were fully engaged in discussions, one of
10 the civil servants at the Detention Centre interrupted and told me that I could no longer
11 remain at the Detention Centre because the time to leave had come.

12 I consulted the necessary legal core documents relating to meetings between Defence
13 counsel and the suspect, and I did not find in those documents any restriction or
14 limitation to such a meeting. That was a handicap for me, and that is why it is only here
15 in the courtroom that I was forced to wrap-up my discussions with my client today.

16 My client surrendered to the Court voluntarily. The charges against him right now are
17 very significant, very serious, and we must be given a possibility to meet and to discuss
18 directly face-to-face with our client.

19 Thank you very much, Madam Judge, for convening this hearing, and I also want to thank
20 all the collaborators who were involved in technically organising this hearing.

21 Thank you very much.

22 JUDGE TRENDABILOVA: Thank you, Counsel Bel Lakhdar.

23 With regard to your first point -- Mr Keïta, yourself?

24 MR KEÏTA: (Interpretation) I am sorry to ask for the floor again, Madam President, but
25 I simply just want to verify the date. It would appear that from the transcript it is 15

1 April for the status conference. Is it April? Is that the correct date?

2 Thank you.

3 JUDGE TRENDAFILOVA: It is the correct date, Mr Keita. 15 April, Monday, at 2.30 in
4 the afternoon.

5 Very short comments, Mr Counsel Bel Lakhdar. This will be the purpose of our first
6 status conference, whereby we are going to establish after the status conference when we
7 are going to discuss with the parties everything that I have already included in my oral
8 decision, mainly asking the Prosecutor to come with a lot of information that is available
9 to them with regard to evidence supporting the arrest warrants and anything else that will
10 be used for the purpose of the confirmation hearing.

11 Thereafter we are going to establish a time calendar for the disclosure and how smoothly
12 it will unfold, so this is going to be remedied because this is the purpose of the first status
13 conference.

14 With regard to the incident I would very much ask that the Registry takes the necessary
15 measures, because pursuant to the statutory documents - and I believe these are very
16 specific provisions in the Regulations of the Registry - the counsel must have free access,
17 absolutely confidential, with his or her client and as much as need be for the purposes of
18 properly conducting your duties.

19 So I think that Mr Pereira and Mr Dubuisson are put on notice about this incident,
20 hopefully that we are not going to be approached by the Defence team of Mr Ntaganda
21 with such or similar complaints.

22 At this point, I think we come to the end of the initial appearance of Mr Ntaganda.

23 I would like to thank the parties for conducting themselves in a professional manner.

24 My thankfulness goes also to the Registrar, to the team of Mr Pereira, to the interpreters as
25 always, to the stenographers, the security officers and the courtroom staff.

Initial Appearance

(Open Session)

ICC-01/04-02/06

- 1 The hearing on the initial appearance in the case of the Prosecutor against Mr Ntaganda is
- 2 closed.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in open session at 11.54 a.m.)