

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and
6 Judge Chang-ho Chung
7 Status Conference - Courtroom 2
8 Thursday, 4 May 2017
9 (The Status Conference starts in open session at 2.16 p.m.)
10 THE COURT USHER: [14:16:47] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE FREMR: [14:17:31] Good afternoon, everybody.
14 Court officer, please call the case.
15 THE COURT OFFICER: [14:17:32] Thank you, Mr President.
16 The situation in the Democratic Republic of the Congo, in the case of The Prosecutor
17 versus Bosco Ntaganda, case reference ICC-01/04-02/06.
18 And for the record, we are in open session.
19 PRESIDING JUDGE FREMR: [14:17:46] Thank you, court officer.
20 Now appearances please in the usual order, starting with Prosecution.
21 MS SAMSON: [14:18:01] Good afternoon, Mr President, your Honours.
22 The Prosecution today is represented by Ms Dianne Luping, Mr Eric Iverson,
23 Mr James Pace, Ms Selam Yirgou, and myself, Nicole Samson.
24 PRESIDING JUDGE FREMR: [14:18:15] Thank you, Ms Samson.
25 Defence, please.

1 MR BOURGON: (Interpretation) Good afternoon, Mr President. For the Defence this
2 afternoon we are Ms Sara Levac, Maître Marlene Yahya Haage, Sandrine de Sena,
3 Mr Christopher Gosnell and myself. We note that Mr Ntaganda is present with us in
4 the courtroom for this status conference. Thank you, Mr President.

5 PRESIDING JUDGE FREMR: [14:18:37] Thank you, Mr Bourgon.

6 And Legal Representatives of Victims, please.

7 MS PELLET: [14:18:45] (Interpretation) Thank you, Mr President. Former child
8 soldiers are represented by Vony Rambolamanana and myself, Sarah Pellet, counsel
9 at the OPCV. Thank you.

10 MR SUPRUN: (Interpretation) Good afternoon, Mr President. Good afternoon,
11 your Honours. Victims of the attacks are represented by the OPCV,

12 Anne Grabowski, associate lawyer, and myself, Dmytro Suprun, counsel.

13 PRESIDING JUDGE FREMR: [14:19:14] Thank you, Ms Pellet. Thank you,

14 Mr Suprun.

15 We are here today for a status conference requested by the Prosecution by way of
16 email on 28 April 2017. The Chamber is grateful to everyone here for their flexibility
17 as to the scheduling for today, especially given the last-minute time changes.

18 Following the current session, the Chamber has decided to also have a brief hearing
19 with the Defence and VWU only to discuss certain issues concerning witnesses for the
20 upcoming Defence case. Before this second hearing can start the Registry has to
21 switch the transcripts, which requires 30 minutes.

22 The Chamber is very well mindful of certain other commitments later today. We
23 therefore would like to finish the status conference by 3.30 p.m. at the latest. Please
24 bear this in mind with your submissions.

25 With respect to the agenda, I recall that the Prosecution has asked to address

1 the Defence confidential filing of its final list of witnesses and evidence, that is filing
2 number 1881, as well as the corresponding disclosure.

3 The Chamber will ask the Prosecution to make its submissions and then allow
4 the Defence to respond. In addition, the Chamber may have some questions for
5 clarification related to this filing.

6 Nevertheless, before I give the floor to the Prosecution I already have one question to
7 the Defence for clarification now that may also be of assistance for the submissions.

8 Mr Bourgon, in your filing accompanying the Defence final list of witnesses, it is
9 mentioned that 57 of the summaries are still provisional. The list of witnesses itself
10 in the column indicating the status of the witnesses also refers to provisional for 57 of
11 them. The status being referred to as "provisional" is solely related to the summaries
12 not yet having been finalised or does it mean you cannot confirm at the moment
13 whether you will call these 57 persons as witnesses?

14 MR BOURGON: [14:21:52] Thank you, Mr President. I can confirm that it is the
15 intention of the Defence to call all 111 witnesses and that the word "provisional" refers
16 to the summary only. Thank you, Mr President.

17 PRESIDING JUDGE FREMR: [14:22:07] Thank you for this clarification. And
18 maybe in this connection one follow-up question: When do you anticipate being in
19 a position to provide us with a list of what is definite, definitive witness only?

20 MR BOURGON: [14:22:26] Thank you, Mr President. We anticipate that we would
21 be in a position to do this on a rolling basis as we meet with the witnesses. As soon
22 as we meet with one witness and we are able to confirm that the summary is complete,
23 then we would immediately communicate this information to the Office of the
24 Prosecutor.

25 PRESIDING JUDGE FREMR: [14:22:51] And any, any rough estimation?

1 MR BOURGON: [14:22:51] To complete all 57? There is no estimation,
2 Mr President. It will take a while because in order to -- for us to meet the schedule
3 and to present witnesses we need to focus on finding witnesses in the first place that
4 are available to meet and to come to testify. So our priority has to be focused on
5 finding witnesses to present them in the courtroom and that's why I am not able at
6 this time to provide you with an estimate, but what I can say is that we would do so
7 at the earliest possible opportunity. Thank you, Mr President.

8 PRESIDING JUDGE FREMR: [14:23:37] Thank you, Mr Bourgon.

9 So now we can turn to the Prosecution for its submissions.

10 But before doing that probably it would be better to move into private session.

11 Ms Samson, do you agree?

12 MS SAMSON: [14:23:40] Certainly, Mr President. Portions of my submission will
13 indeed need to be made in private session. It is possible that portions could also be
14 heard in public session.

15 PRESIDING JUDGE FREMR: [14:23:52] But I think, I think we also evaluate that it
16 would be better to move into private.

17 So now let's move into private session.

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