

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 April 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR V. BOSCO NTAGANDA**

Confidential

**Decision Requesting the Victims Participation and Reparations Section to Submit
Observations**

Decision to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Defence
Marc Desalliers

Legal Representatives of the Victims

Legal Representatives of the 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
Herman Von Hebel

Deputy Registrar
Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**
Fiona McKay

Other

Judge Ekaterina Trendafilova, acting as Single Judge on behalf of Pre-Trial Chamber II (the "Chamber") of the International Criminal Court (the "Court")¹ hereby issues this decision requesting the Victims Participation and Reparations Section (the "VPRS") to submit Observations.

1. On 26 March 2013, following his voluntary surrender to the Court, the initial appearance of Bosco Ntaganda took place.² At the hearing, the Single Judge, acting pursuant to article 61(1) of the Rome Statute (the "Statute") and rule 121(1) of the Rules of Procedure and Evidence (the "Rules"), decided that 23 September 2013 be the date for the commencement of the confirmation of charges hearing.³
2. The Single Judge notes articles 67(1), 68(3) of the Statute, rules 16(1)(c), 89 and 121(1) of the Rules and regulation 86(9) of the Regulations of the Court.
3. The Single Judge recalls that in the case of the *Prosecutor v. Laurent Gbagbo* (the "Gbagbo case"), Pre-Trial Chamber I adopted a partly collective approach to the victims' application process in the course of the pre-trial phase of the proceedings,⁴ which was "tailored to the specific needs of the [Gbagbo] Case".⁵
4. The Single Judge recalls her duty to ensure that proceedings are conducted in a fair and expeditious manner as provided for in article 67(1) of the Statute as well as her obligation to guarantee the rights of victims to express their views and concerns in a meaningful manner, which is not inconsistent with or prejudicial to the rights of the Defence, in accordance with article 68(3) of the Statute.
5. The Single Judge is mindful that the VPRS is the unit of the Registry with primary responsibility, pursuant to rule 16(1)(c) of the Rules and regulation 86(9) of the Regulations, to assist the victims in the course of the application process. Accordingly, for the purpose of organizing the victims' application process and the subsequent

¹ Pre-Trial Chamber II, "Decision Designating a Single Judge", 21 March 2013, ICC-01/04-02/06-40, p. 4.

² ICC-01/04-02/06-T-2-ENG ET WT.

³ ICC-01/04-02/06-T-2-ENG ET WT, p. 12.

⁴ Pre-Trial Chamber I, "Second decision on issues related to the victims' application process", ICC-02/11-01/11-86, pp. 17-18.


⁵ ICC-02/11-01/11-33, para. 7.

proceedings related thereto including the determination under rule 85 of the Rules in an efficient and fair manner, the Single Judge considers it necessary to seek the feedback of the VPRS by dint of observations, on the approach adopted in the *Gbagbo* case.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

orders the VPRS to submit observations on the issue identified in paragraphs 5 of the present decision by no later than 6 May 2013.

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



Judge Ekaterina Trendafilova
Single Judge

Dated this Friday, 26 April 2013

At The Hague, The Netherlands