

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 July 2014

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public

Order Scheduling a Status Conference and Setting a Provisional Agenda

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 Marc Desalliers

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

Mr Esteban Peralta-Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(3) of the Rome Statute ('Statute'), Rule 132(1) of the Rules of Procedure and Evidence ('Rules') and Regulation 54 of the Regulations of the Court ('Regulations') issues the following 'Order scheduling a status conference and setting a provisional agenda'.

1. On 9 June 2014, Pre-Trial Chamber II issued its 'Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda', in which it confirmed the charges against Mr Ntaganda.¹
2. Following a request of Mr Ntaganda's lead counsel Marc Desalliers, on 16 July 2014, Pre-Trial Chamber II issued a decision in which it authorised him to withdraw from the case. However, he is to continue to represent Mr Ntaganda until a new counsel is appointed.²
3. On 18 July 2014, the Presidency constituted the present Chamber.³
4. In accordance with Rule 132(1) of the Rules, which provides that '[p]romptly after it is constituted, the Trial Chamber shall hold a status conference in order to set the date of the trial', a status conference shall be held on 20 August 2014.
5. In order to facilitate the preparation of the parties and of the legal representatives of the victims, the Chamber issues the following provisional agenda for the status conference:

¹ Pre-Trial Chamber II, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda, 9 June 2014, ICC-01/04-02/06-309.

² Pre-Trial Chamber II, Decision on the "Requête de Me Marc Desalliers afin d'être autorisé à se retirer du dossier en qualité de Conseil principal de M. Bosco Ntaganda", 16 July 2014, ICC-01/04-02/06-333.

³ Presidency, Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Bosco Ntaganda*, 18 July 2014, ICC-01/04-02/06-337.

- a) Timing, volume and modalities of disclosure of evidence pursuant to Rule 76 of the Rules;
- b) Whether the Prosecution anticipates issues concerning the protection of witnesses and other persons (including the need for redactions), the disclosure of identities of witnesses, as well as referrals to the Court's witness protection program;
- c) Material already disclosed and intended to be disclosed by the Prosecution pursuant to Article 67(2) of the Statute and Rule 77 of the Rules;
- d) Whether there are any outstanding issues relating to documents or information which the Prosecution obtained on the condition of confidentiality pursuant to Article 54(3)(e) of the Statute;
- e) Whether the parties intend to call expert witnesses pursuant to Regulation 44 and, if so, whether they intend to give joint or separate instructions to them;
- f) Evidence to be introduced under Rule 69 as regards agreed facts;
- g) Update on victims' applications and the procedure for allowing victims to participate in the trial proceedings;
- h) Languages to be used in the proceedings, in particular, the languages spoken by the witnesses the parties intend to call and victims the legal representatives may seek authorisation to call; and
- i) Commencement date of the trial.

6. The Chamber recalls the duty of Mr Ntaganda's current lead counsel to transmit the entire case file to the new lead counsel.⁴ However, in the circumstances, the Chamber deems it necessary that the handover of the case should also include a period of transition sufficient to enable the new lead counsel to be adequately prepared for the first status conference. As a consequence, the Registry is instructed to make available funds to accommodate any overlap during such transition period.
7. In order to facilitate preparations for the status conference, the parties may make written submissions on the provisional agenda items which are of relevance to them and file such submissions no later than 14 August 2014. In addition, the legal representatives of victims may make submissions on items g, h and i. The Registry is requested to make submissions on items b, g and h.
8. To facilitate discussion on agenda item b, the Prosecution is requested to provide a detailed list of those items of evidence it intends to include in its List of Incriminating Evidence or to disclose to the defence pursuant to Article 67(2) of the Statute and/or Rule 77 of the Rules, with respect to which redactions or other protective measures are required, including whether redactions previously authorised by the Pre-Trial Chamber need to be maintained. This list shall be filed no later than 14 August 2014.
9. Should the parties, the legal representatives of victims or the Registry wish to add other items to the agenda of the status conference, the Chamber requests that this be indicated in their written submissions.
10. Following the parties' submissions, an amended scheduling order will be issued, confirming the agenda of the Status Conference.

⁴ Pre-Trial Chamber II, Decision on the "Requête de Me Marc Desalliers afin d'être autorisé à se retirer du dossier en qualité de Conseil principal de M. Bosco Ntaganda", 16 July 2014, ICC-01/04-02/06-333, para. 8, referring to, e.g. Article 18 (5) of the Code of Professional Conduct for Counsel.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

SCHEDULES the first status conference on 20 August 2014;

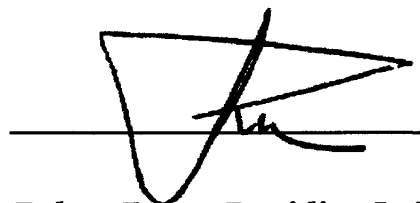
INSTRUCTS the current lead counsel to ensure a smooth transition which facilitates the preparations of the new lead counsel for Mr Ntaganda for the first status conference;

ORDERS the Registry to make the necessary funds available to accommodate any resulting period of overlap between Mr Ntaganda's new and withdrawn lead counsel;

ORDERS the parties and participants to submit their written observations on the abovementioned provisional agenda and to inform the Chamber of any items they wish to be added to it by 14 August 2014; and

ORDERS the Prosecution to prepare the list mentioned at paragraph 8 by 14 August 2014.

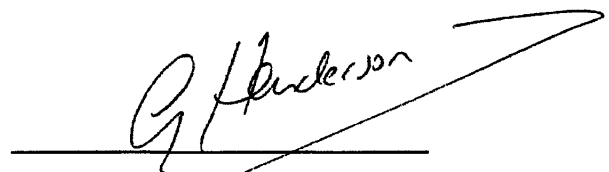
Done in both English and French, the English version being authoritative.

A stylized, handwritten signature in black ink, consisting of a large, sweeping 'F' shape with a horizontal line extending to the right.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to read 'Kuniko Ozaki' in a cursive style.

Judge Kuniko Ozaki

A handwritten signature in black ink, appearing to read 'G. Henderson' in a cursive style.

Judge Geoffrey Henderson

Dated 21 July 2014

At The Hague, The Netherlands