

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
Date: 10 September 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 Setting the Agenda for the 11 September 2014 Status Conference**

**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 Stéphane Bourgon

**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**

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**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 Regulations 34 and 54 of the Regulations of the Court, issues the following 'Order Setting the Agenda for the 11 September 2014 Status Conference'.

1. On 21 July 2014, the Chamber issued its order scheduling a status conference and providing a provisional agenda for said status conference.<sup>1</sup> Since then the parties and participants made observations on the topics listed on the provisional agenda,<sup>2</sup> and the date for the status conference was rescheduled for 11 September 2014.<sup>3</sup>
2. Taking into account the observations made by the parties and participants, the Chamber hereby issues the following agenda for the status conference:
  - a) Languages to be used in the proceedings, in particular, the need for and extent of translation of documents provided to the defence team for Mr Ntaganda ('Defence'), the languages spoken by the witnesses the parties intend to call and victims for whom the legal representatives may seek authorisation to call;
  - b) Timing, volume and modalities of disclosure of evidence pursuant to Rule 76 of the Rules;

<sup>1</sup> Order Scheduling a Status Conference and Setting a Provisional Agenda, ICC-01/04-02/06-339.

<sup>2</sup> Registry submission pursuant to "Order Scheduling a Status Conference and Setting a provisional Agenda", 14 August 2014, ICC-01/04-02/06-350; Joint submissions in accordance with the "Order Scheduling a Status Conference and Setting a Provisional Agenda" issued on 21 July 2014, 14 August 2014, ICC-01/04-02/06-351; Prosecution's Submissions on the Provisional Agenda for the 20 August 2014 Status Conference, 14 August 2014, ICC-01/04-02/06-352 with Conf-AnxA, Conf-AnxB; Observations de la Défense concernant l'ordre du jour provisoire pour la Conférence de mise en état du 11 septembre 2014, 8 September 2014, ICC-01/04-02/06-364 ('Defence Observations'); Prosecution's Additional Observations in Preparation for the Status Conference, 8 September 2014, ICC-01/04-02/06-365-Conf-Exp. A public redacted version was filed on the same day (ICC-01/04-02/06-365-Red)..

<sup>3</sup> Order postponing and setting a new date for the status conference, 15 August 2014, ICC-01/04-02/06-354; Order revising dates for the status conference and for receipt of observations, 26 August 2014, ICC-01/04-02/06-358; E-mail from Legal Officer of the Chamber to the parties and participants, 22 August 2014, at 20:34.

- c) 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;
  - d) 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;
  - e) 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;
  - f) Views on the need for an updated Document Containing the Charges;
  - g) 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;
  - h) Evidence to be introduced under Rule 69 as regards agreed facts;
  - i) Update on victims' applications and the procedure for allowing victims to participate in the trial proceedings; and
  - j) Commencement date of the trial.
3. In its observations, the Defence requests that an *ex parte* status conference, Defence and Registry only, be scheduled immediately before or after the *inter partes* status conference.<sup>4</sup> On the basis of the limited information provided, the Chamber is unable to assess the need, or basis,<sup>5</sup> for an *ex parte* status conference, at this stage. The Chamber therefore directs the Defence to file written submissions on the issue of resources available to the Defence to

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<sup>4</sup> Defence Observations, ICC-01/04-02/06-364, paras 4, 13-18.

<sup>5</sup> The Chamber notes that no reference to Regulation 83(4) of the Regulations is made, nor whether such situation a situation has arisen at this stage.

prepare for trial and logistics of family visits, should such matter require the attention of the Chamber at this time. These submissions are to be filed by 15 September 2014. The Registry shall respond by 19 September 2014. After receipt of these filings, the Chamber will decide whether it is opportune to schedule an *ex parte* status conference.

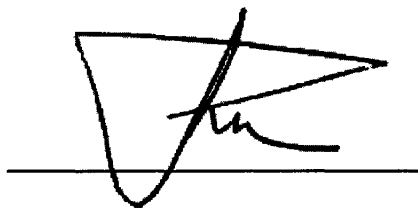
**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**SETS** the agenda for the status conference of 11 September 2014, as provided in paragraph 2;

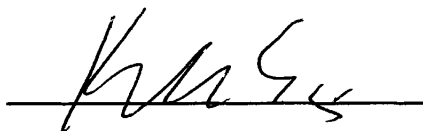
**ORDERS** the Defence to file written submissions, if any, as described in paragraph 3, by 15 September 2014; and

**ORDERS** the Registry to respond to the submissions, as described in paragraph 3, by 19 September 2014.

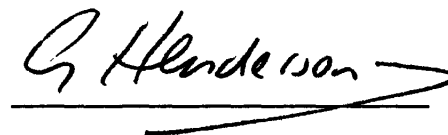
Done in both English and French, the English version being authoritative.

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**Judge Robert Fremr, Presiding Judge**

A handwritten signature in black ink, appearing to be 'K Ozaki', written over a horizontal line.

**Judge Kuniko Ozaki**

A handwritten signature in black ink, appearing to be 'G Henderson', written over a horizontal line.

**Judge Geoffrey Henderson**

Dated 10 September 2014

At The Hague, The Netherlands