

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
Date: 18 February 2015

**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**

**Decision adopting the Protocol on dual status witnesses and the Protocol on  
vulnerable witnesses**

Decision 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

Mr Luc Boutin

**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**

**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**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Trial Chamber VI** ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(2) and (3)(a) of the Rome Statute ('Statute'), issues the following 'Decision adopting the Protocol on dual status witnesses and the Protocol on vulnerable witnesses'.

1. On 18 December 2014, the Chamber issued the 'Order setting deadlines for the filing of submissions on outstanding protocols'.<sup>1</sup>
2. On 23 January 2015, the Victims and Witnesses Unit ('VWU') submitted a protocol regarding the proposed mechanisms specific to dual status witnesses ('Protocol on dual status witnesses'),<sup>2</sup> as agreed by the parties, the participants and the VWU during a meeting held on 16 December 2014.<sup>3</sup>
3. On 5 February 2015, the VWU submitted a protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses ('Protocol on vulnerable witnesses'),<sup>4</sup> as agreed by the parties, the participants and the VWU during a meeting held on 16 December 2014.<sup>5</sup>
4. The Chamber notes its duty, pursuant to Article 64(2) of the Statute, to ensure that the trial is fair and expeditious and conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses. The Chamber also recalls its power, under Article 64(3) of the Statute, to adopt necessary procedures to facilitate the fair and expeditious conduct of the proceedings.

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<sup>1</sup> ICC-01/04-02/06-416 (notified on 19 December 2014).

<sup>2</sup> Annex 1 to Victims and Witnesses Unit's submission of the proposed mechanisms for exchange of information on individuals enjoying dual status pursuant to Order n° ICC-01/04-02/06-416, ICC-01/04-02/06-430-Anx1.

<sup>3</sup> ICC-01/04-02/06-430, pages 3-4.

<sup>4</sup> Annex 1 to Victims and Witnesses Unit's submission of the Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses pursuant to Order n° ICC-01/04-02/06-416, ICC-01/04-02/06-445-Anx1.

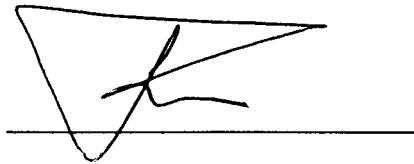
<sup>5</sup> ICC-01/04-02/06-445, page 4.

5. Accordingly, and considering that the parties agree on the protocols' contents, the Chamber adopts these two protocols. To the extent that these protocols overlap with the 'Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant',<sup>6</sup> the parties are to act in accordance with the obligations set out in each of them.<sup>7</sup>

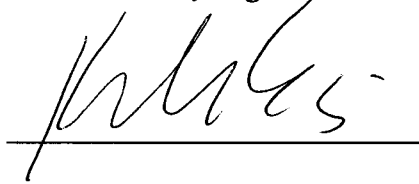
**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

**ADOPTS** the Protocol on dual status witnesses (ICC-01/04-02/06-430-Anx1) and the Protocol on vulnerable witnesses (ICC-01/04-02/06-445-Anx1).

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



**Judge Robert Fremr, Presiding Judge**



**Judge Kuniko Ozaki**



**Judge Geoffrey Henderson**

Dated this 18 February 2015

At The Hague, The Netherlands

<sup>6</sup> Annex A to Decision on adoption of a 'Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant', 12 December 2014, ICC-01/04-02/06-412-AnxA.

<sup>7</sup> In particular, when a party's dual status witness contacts the opposing party under Section 6(b) of the Protocol on dual status witnesses, that opposing party must still notify the calling party in accordance with the Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant, or otherwise seek authorisation from the Chamber to deviate from those requirements.