

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 June 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

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

Public

Decision on Prosecution and Defence joint submission on agreed facts

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

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

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 Rule 69 of the Rules of Procedure and Evidence ('Rules'), issues the following 'Decision on Prosecution and Defence joint submission on agreed facts'.

1. On 12 March 2015, the Chamber directed the Office of the Prosecutor ('Prosecution') and the defence team of Mr Ntaganda ('Defence') to submit, jointly if appropriate, a list of proposed agreed facts by 6 May 2015. The Chamber ordered that the Legal Representatives of Victims ('LRVs') should be notified of such filing and make any observations thereto by 11 May 2015.¹
2. At the status conference on 22 April 2015, the parties updated the Chamber on the progress made as to agreed facts, noting that discussions were still ongoing and that further time would be required to reach agreement.² In light of this, and of the postponement of the trial commencement date, the Chamber granted an extension of one month for the submission of agreed facts,³ subsequently specifying that the relevant deadline was 8 June 2015.⁴
3. On 8 June 2015, the parties filed a request to the Chamber to consider 82 agreed facts as proven ('Joint Submission').⁵
4. On 15 June 2015, the LRVs indicated that they had taken note of the agreement reached by the Prosecution and Defence on the 82 facts and would not file any further observations on the Joint Submission.⁶
5. The Chamber notes that, pursuant to Rule 69 of the Rules, a chamber may consider alleged facts agreed upon by parties as being proven, unless the

¹ Order requesting submissions on the conduct of proceedings pursuant to Rule 140 of the Rules and on modalities of victims' participation at trial, ICC-01/04-02/06-507, para.14.

² Transcript of hearing on 22 April 2015, ICC-01/04-02/06-T-19-ENG, page 13, lines 4-8 and page 20, lines 4-21.

³ ICC-01/04-02/06-T-19-ENG, page 43, lines 3 to 8.

⁴ Transcript of hearing on 2 June 2015, ICC-01/04-02/06-T-20-CONF-ENG, page 4, lines 8-12.

⁵ Joint submission by Prosecution and Defence on agreed facts, 8 June 2015, ICC-01/04-02/06-633, with Annex A to the Joint submission, ICC-01/04-02/06-633-Conf-AnxA. A public redacted version of the annex was filed on 8 June 2015 (ICC-01/04-02/06-633-AnxA-Red).

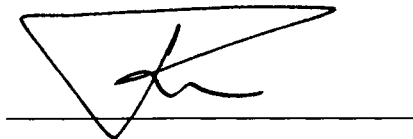
⁶ Email communication from the Legal Representatives of Victims to the Chamber of 15 June 2015 at 10:16.

chamber is of the opinion that a more complete presentation of the alleged facts is required in the interests of justice, in particular the interests of the victims. The Chamber notes the agreed facts contained in Annex A of the Joint Submission and, at this stage, does not consider there to be reason for a more complete presentation of evidence on those matters. The Chamber encourages the parties to make ongoing efforts to reach further agreement upon facts in the case.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

NOTES the agreed facts contained in Annex A of the Joint Submission.

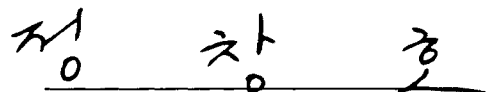
Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 22 June 2015

At The Hague, The Netherlands