

## **ANNEX I**

## Schedule of the Confirmation Hearing

### SCHEDULE OF THE CONFIRMATION HEARING IN THE CASE OF *THE PROSECUTOR*

#### V. *GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI*

This schedule is based on the following considerations:

1. Maximum 4 hours of Lingala interpretation can be provided per day;
2. No live witness;
3. 1 audio recording (19m29s) and 2 videos (15m36s and 50s) proposed by the Prosecution; and no video or audio evidence to be presented by the Defences;
4. In principle, no presentation of evidence in closed session hearing;
5. In principle, the Defences for Germain Katanga and Mathieu Ngudjolo Chui have said that they will not present evidence at the confirmation hearing.
6. The Defence for Mathieu Ngudjolo Chui will speak first and then the Defence for Germain Katanga, as the Defence for Germain Katanga has stated that it will be using very little time during the confirmation hearing.
7. The evidence proposed during the confirmation hearing shall be available on the screen of the computers located in the courtroom while being presented.

#### 1- Opening of the hearing

- a. Friday 27 June 2008, Public Session: from 9:00 to 9:30
  - i. After the opening of the hearing by the Presiding Judge, the charges shall be read out pursuant to rule 122(1) of the Rules of Evidence and Procedure; (30 minutes altogether)
- b. Friday 27 June 2008, Public Session: from 9:30 to 11:00
  - i. The Prosecution shall then have an hour and 30 minutes to make its opening statement.
- c. Friday 27 June 2008, Public Session: from 11:30 to 13:30
  - i. Two hours to be shared equally shared among the four teams of Legal Representatives of anonymous and non-anonymous Victims for their opening statements.

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- d. Monday 30 June 2008, Public Session: from 9:00 to 10:30
  - i. The Defence for Mathieu Ngudjolo Chui shall have an hour and 30 minutes to make its opening statement.
- e. Monday 30 June 2008, Public Session: from 11:00 to 12:30
  - i. The Defence for Germain Katanga shall have an hour and 30 minutes to make its opening statement.

### **2- Consideration of any matters related to jurisdiction, admissibility or other procedural issues**

- f. Wednesday 2 July 2008, Morning Public Session: from 09:00 to 11:00 and 11h30 to 13h30: Consideration of any matters related to jurisdiction, admissibility or other procedural issues raised by the Prosecution and/or the Defence and/or the Legal Representatives of non-anonymous Victims in their list that is due to be filed on 23 June 2008 pursuant to the Decision ICC-01/04-01/07-459 issued on 29 April 2008.
  - i. The Prosecution shall have one hour.
  - ii. The three teams of Legal Representatives of non-anonymous Victims shall have one hour total to be equally shared amongst them.
  - iii. The Defence for Mathieu Ngudjolo Chui shall have one hour.
  - iv. The Defence for Germain Katanga shall then have one hour.
- g. Thursday 3 July 2008, Public Session: from 14:00 to 14:30: Public Session will start with the Oral Decision on any matters related to jurisdiction, admissibility or other procedural issues raised on 23 June 2008 and discussed on 2 July 2008.

### **3- Presentation by the Prosecution of the evidence included in the Prosecution List of Evidence and Prosecution Additional List of Evidence (Total of 7 hours and 30 minutes)**

NOTE to the Prosecution: Prior notice needs to be given to the Lingala interpreters regarding the videos the Prosecution will rely upon at the Confirmation Hearing. The Prosecution will have to indicate to the Chamber sufficiently in advance when it intends to present it.

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- h. Thursday 3 July 2008: from 14:30 to 16:00, 16:30 to 18:30; and  
Friday 4 July 2008: from 9:00 to 11:00, 11:30 to 13:30.

At the sessions of 3 and 4 July 2008, the Prosecution shall address:

- (i) the evidence relating to the Prosecution contextual general and/or background allegations underpinning the charges against Germain Katanga and Mathieu Ngudjolo Chui, including the existence and character of the alleged armed conflict and background information on Germain Katanga and Mathieu Ngudjolo Chui;
- (ii) the evidence relating to the FRPI;
- (iii) the evidence relating to the FNI;
- (iv) the evidence relating to the crime base charged; and
- (v) the evidence relating to the alleged role of Germain Katanga and Mathieu Ngudjolo Chui, including the modes of liability under which they are charged;

4- Discussion by the Legal Representatives of Victims of Non-Anonymous Victims of the evidence included in the Prosecution List of Evidence and Prosecution Additional List of Evidence (Total of 7 hours and 30 minutes to be equally shared among the three teams of Legal Representatives of non-anonymous Victims.)

- i. Monday 7 July 2008: from 9:00 to 11:00, 11:30 to 13:30; and  
Tuesday 8 July 2008: from 9:00 to 11:00, 11:30 to 13:00.

5- Discussion by the Defence of Mathieu Ngudjolo Chui of the evidence included in the Prosecution List of Evidence and Prosecution Additional List of Evidence (Total of 7 hours and 30 minutes)

- j. Wednesday 9 July 2008, from 9:00 to 11:00, 11:30 to 13:30; and  
Thursday 10 July 2008, from 9:00 to 11:00, 11:30 to 13:00.

6- Discussion by the Defence of Germain Katanga of the evidence included in the Prosecution List of Evidence and Prosecution Additional List of Evidence (Total of 7 hours and 30 minutes)

- k. Friday 11 July 2008, from 9:00 to 11:00, 11:30 to 13:30; and

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Monday 14 July 2008, from 9:00 to 11:00, 11:30 to 13:00.

### **7- Closing statements<sup>1</sup>**

1. Tuesday 15 July 2008, Public Session, from 9:00 to 13:00; and  
Wednesday 16 July 2008, Public Session, from 9:00 to 12:30.
  - i. Tuesday 15 July 2008, 9:00 to 10:30: Prosecution Closing Statement;
  - ii. Tuesday 15 July 2008, 11:00 to 13:00: Two hours to be equally shared among the four teams of Legal Representatives of anonymous and non-anonymous Victims for their closing statements.
  - iii. Wednesday 16 July 2008, 9:00 to 10:30 and 11:00 to 12:30
    1. Closing Statement Defence for Mathieu Ngudjolo Chui; (one hour and 30 minutes); and
    2. Closing Statement Defence for Germain Katanga; (one hour and 30 minutes).
  - m. The Prosecution, the Legal Representatives of non-anonymous Victims and the Legal Representatives of anonymous Victims shall have until Tuesday 22 July 2008 at 16h00 to file a document in which they may address in writing any matters that they discussed at the confirmation hearing. The documents filed pursuant to this sub-paragraph shall be transmitted immediately to the Defences for Germain Katanga and Mathieu Ngudjolo Chui.
  - n. The Defences for Germain Katanga and Mathieu Ngudjolo Chui shall have until Monday 28 July 2008 at 16h00 to file a document in which they may address in writing any matters that they discussed at the confirmation hearing.

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<sup>1</sup> If the Defence for Germain Katanga does not use up its time as allocated in the schedule for the confirmation hearing, as was suggested during the Hearing, then the schedule may be moved forward in order to shorten the overall duration of the proceedings. Therefore, the closing statements may take place on Monday 14 July 2008 and Tuesday 15 July 2008