



Original: **English**

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

Date: **12 May 2017**

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

**Urgent Defence Request on behalf of Mr Ntaganda seeking modification of the
schedule for the first two evidentiary blocks**

Source: Defence Team of Mr Bosco Ntaganda

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Mr James Stewart
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Counsel for the Defence

Me Stéphane Bourgon
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Legal Representatives of Victims

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Further to: (i) Trial Chamber VI's ("Chamber") Decision on the conduct of proceedings of 2 June 2015;¹ (ii) Chamber's Decision supplementing the Decision on the Conduct of Proceedings (ICC-01/04-02/06-619) and providing directions related to preparations for the presentation of evidence by the Defence of 30 January 2017 ("Decision on Conduct of Proceedings for Defence"),² and; (iii) Chamber's Decision on further matters related to the presentation of evidence by the Defence issued on 11 May 2017,³ Counsel representing Mr Ntaganda ("Defence") hereby submit this:

Urgent Defence Request on behalf of Mr Ntaganda seeking modification of the schedule for the first two evidentiary blocks

"Defence Request"

DEFENCE REQUEST

1. Having considered the Chamber's Decision on further matters related to the presentation of evidence by the Defence, more particularly Section C therein concerning the *Length of the presentation of the evidence by the Defence and Expert witnesses* as well as Sections H and I regarding the *Scheduling of witnesses* and *Schedule for the first two evidentiary blocks*, the Defence hereby requests modification of the schedule for the first two evidentiary blocks as follows:
 - First Evidentiary Block: 29 May-2 June 2017
 - Second Evidentiary Block: 12 June-21 July 2017
2. The purpose of seeking such modification at this time is to allow for the testimony of Mr Ntaganda at the earliest opportunity during the presentation of the case for the Defence.

¹ ICC-01/04-02/06-619.

² ICC-01/04-02/06-1757.

³ ICC-01/04-02/06-1900.

3. Pursuant to the modification sought, the First Evidentiary Block would be devoted to the Defence opening statement and the testimony of Defence Witnesses D-0054, D-0052 and D-0210.
4. The Second Evidentiary Block would allow Mr Ntaganda to complete his testimony (examination-in-chief, cross-examination, re-examination and Judges' questions) in one single block of six weeks from Monday 12 June 2017 until Friday 21 July 2017.

SUBMISSIONS

5. Further to Mr Ntaganda's decision to testify during the presentation of the case for the Defence, allowing him to do so at this time is in the interest of justice.
6. The Defence notes in this regard that allowing Mr Ntaganda to testify at this time might result in the presentation of a shorter case of the Defence.
7. With a view to completing Mr Ntaganda's testimony continuously in a single block, the Defence submits that a minimum of six court weeks – bearing in mind that short breaks will be needed to allow Mr Ntaganda to rest – are required.
8. Based on the current ICC Year Planner, the Defence notes that the period from 12 June to 21 July 2017 includes 29 court days. Since it will not be possible to sit every day, the Defence acknowledges the need for *inter partes* consultations, involving the Chamber, for the purpose of adopting a workable calendar.
9. Considering the preparation time involved for both the Defence and the Prosecution, the Defence stresses the need for the Chamber to adjudicate expeditiously on its Request.

CONCLUSION

10. In light of the above, the Defence respectfully requests the Chamber to modify the schedule for the first two evidentiary blocks as set out above.

RESPECTFULLY SUBMITTED ON THIS 12TH DAY OF MAY 2017

A handwritten signature in black ink, appearing to read 'StB-'.

Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands