

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 15 January 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

**Order requesting the parties and participants' observations under Article 60(3) of
the Statute**

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
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

Mr Patrick Craig

**Victims Participation and Reparations
Section**

Other

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 58(1), 60(3), 61(11) and 64(6)(a) of the Rome Statute ('Statute') and Rule 118(2) of the Rules of Procedure and Evidence ('Rules'), issues the following 'Order requesting the parties and participants' observations under Article 60(3) of the Statute'.

1. On 18 November 2013,¹ 17 March 2014² and 17 July 2014,³ Mr Ntaganda had his detention reviewed by Pre-Trial Chamber II. On each occasion, Pre-Trial Chamber II's Single Judge decided that Mr Ntaganda shall continue to be detained.
2. On 31 October 2014, after having received the parties and participants' observations in the course of a hearing convened pursuant to Rule 118(3) of the Rules,⁴ the Chamber reviewed Mr Ntaganda's detention and decided that he shall continue to be detained.⁵
3. The Chamber recalls that, according to Article 60(3) of the Statute and Rule 118(2) of the Rules, Mr Ntaganda's pre-trial detention shall be reviewed at least every 120 days. In this regard, the Chamber notes that, on 28 February 2015, Mr Ntaganda will have been detained for 120 days since the last decision on the review of his detention on 31 October 2014.⁶

¹ Decision on the Defence's application for interim release, 18 November 2013, ICC-01/04-02/06-147, upheld by the Appeals Chamber, Judgment on the appeal of Mr Bosco Ntaganda against the decision of Pre-Trial Chamber II of 18 November 2013 entitled "Decision on the Defence's Application for Interim Release", 5 March 2014, ICC-01/04-02/06-271-Red, OA.

² Second Decision on Bosco Ntaganda's Interim Release, 17 March 2014, ICC-01/04-02/06-284.

³ Third Decision on Bosco Ntaganda's Interim Release, 17 July 2014, ICC-01/04-02/06-335.

⁴ Transcript of hearing on 23 October 2014, ICC-01/04-02/06-T-16-ENG ET.

⁵ Fourth decision on Mr Ntaganda's interim release, 31 October 2014, ICC-01/04-02/06-391.

⁶ The Chamber calculated the actual calendar days spent in detention and decided not to apply Regulation 33(1)(c) and (d) of the Regulations of the Court to the disadvantage of the detained person.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

DECIDES that the defence team for Mr Ntaganda shall submit its observations on the existence of any changed circumstances in relation to his detention pursuant to Article 60(3) of the Statute by the filing deadline on 29 January 2015;

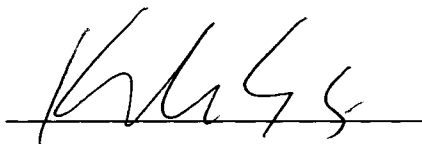
DECIDES that the Office of the Prosecutor and the Legal Representatives of Victims shall file their observations on the existence of any changed circumstances in relation to Mr Ntaganda's detention pursuant to Article 60(3) of the Statute by the filing deadline on 5 February 2015; and

DECIDES that the defence team for Mr Ntaganda shall submit any response to the observations of the Office of the Prosecutor and the Legal Representatives of Victims by the filing deadline on 12 February 2015.

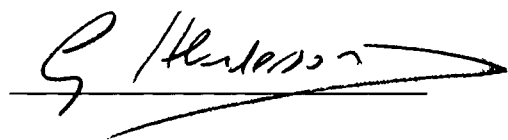
Done in both English and French, the English version being authoritative.

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Judge Robert Fremr, Presiding Judge

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Judge Kuniko Ozaki

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Judge Geoffrey Henderson

Dated 15 January 2015

At The Hague, The Netherlands