

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **15 August 2018**

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

Second order on closing statements

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 Christopher Gosnell

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 64 and 67 of the Rome Statute, Rule 141 of the Rules of Procedure and Evidence and Regulations 20 and 54(a) of the Regulations of the Court, issues the following 'Second order on closing statements'.

1. On 4 July 2018, the Chamber: (i) scheduled a public hearing for the closing statements for 28, 29, and 30 August 2018; and (ii) directed the parties and participants to communicate any submissions on, *inter alia*, the duration of the closing statements, or any other matters that are of relevance for a proper planning of the closing statements by 14 August 2018. Further, the Chamber directed the defence team for Mr Ntaganda ('Defence') to inform the Chamber within the same time frame whether the accused intends to make an unsworn statement in the context of the closing statements.¹
2. On 2, 6, and 13 August, the Defence,² the Legal Representative of the Former Child Soldiers, jointly with the Legal Representative of the Victims of the Attacks ('Legal Representatives'),³ and the Office of the Prosecutor ('Prosecution')⁴ provided their respective submissions.
3. The Defence submits that the Prosecution and the Defence should be given five and a half hours each, and the Legal Representatives one hour each, to present their closing statements. It further informs the Chamber that the accused intends to make an unsworn statement in the context of the closing statements. Regarding the order of presentation of the respective statements, it submits that the

¹ Order on closing statements, ICC-01/04-02/06-2299.

² Email from the Defence to the Chamber, the Prosecution, and the Legal Representatives on 2 August 2018, at 15:51.

³ Email from the Legal Representatives to the parties and the Chamber on 6 August 2018, at 12:36.

⁴ Email from the Prosecution to the Chamber, the Defence, and the Legal Representatives on 13 August 2018, at 15:50.

Prosecution should speak first, followed by the Legal Representatives, the Defence, and the unsworn statement by the accused.

4. The Legal Representatives request one hour each for the presentation of their closing statements.
5. The Prosecution requests that the parties be granted five hours each for their oral submissions, as well as half an hour each for a reply and sur-reply. Further, the Prosecution agrees with the order of presentation proposed by the Defence.
6. Having received all closing briefs⁵ in line with the schedule and directions set by the Chamber,⁶ and having considered the parties' and participants' submissions on the closing statements, the Chamber decides to grant the parties five hours each for the presentation of their respective closing statements, as well as half an hour each for any submissions in response, or reply, as appropriate. The Legal Representatives shall have one hour each to present their closing statements and the accused shall have a maximum of 30 minutes to make an unsworn statement.⁷

⁵ Prosecution's Final Closing Brief, ICC-01/04-02/06-2277 and confidential Annex 1 and public Annexes A, B, C and D. A corrected version was filed on 7 May 2018 and notified on 8 May 2018 as ICC-01/04-02/06-2277-Conf-Anx1-Corr and ICC-01/04-02/06-2277-Conf-Anx1-Corr-Anx; Closing brief on behalf of the Former Child Soldiers, 20 April 2018, ICC-01/04-02/06-2276-Conf with public Annexes A and B; Closing Brief of the Common Legal Representative of the Victims of the Attacks, 20 April 2018 ICC-01/04-02/06-2275-Conf with public Annex 1; Defence Closing Brief, ICC-01/04-02/06-2298-Conf with confidential Annex 1 and Annexes A to G. A corrected version of the Defence's closing brief was filed on 9 July 2018 as ICC-01/04-02/06-2298-Conf-Anx1-Corr and ICC-01/04-02/06-2298-Conf-Anx1-Corr-Anx; Prosecution's Response to the Defence Closing Brief, 17 July 2018, ICC-01/04-02/06-2306-Conf with public Annexes A, B, and C; Response to the Defence Closing Brief on behalf of the Former Child Soldiers, 17 July 2018, ICC-01/04-02/06-2304-Conf; Response of the Common Legal Representative of the Victims of the Attacks to the Defence Closing Brief, 17 July 2018, ICC-01/04-02/06-2305-Conf; Defence Reply to the Prosecution's Response to the Defence Closing Brief, 1 August 2018, ICC-01/04-02/06-2307-Conf with confidential Annexes A, B, C, D and E.

⁶ Order providing directions related to the closing briefs and statements, 28 December 2017, ICC-01/04-02/06-2170; Decision providing further directions on the closing briefs, ICC-01/04-02/06-2272, 13 April 2018, and Dissenting Opinion of Judge Kuniko Ozaki, ICC-01/04-02/06-2272-Anx; Decision on Defence request for an extension of page limit for its closing brief, 4 May 2018, ICC-01/04-02/06-2283; Decision on the Defence request for an extension of time to file its closing brief, 29 May 2018, ICC-01/04-02/06-2291; Decision on requests for extension of page limit, 13 July 2018, ICC-01/04-02/06-2303.

⁷ The time for the accused's unsworn statement is not included in the five hours granted to the Defence for the presentation of its closing statements.

7. The Chamber further agrees with the order of presentation suggested by the parties, and decides that the Prosecution should present its closing statements first, to be followed by the Legal Representatives, the Defence, the unsworn statement by the accused, and then any submissions by the parties in response or reply, as appropriate, with the Defence being given the opportunity to speak last. The Chamber recalls that it may intervene at any time during the parties' or participants' closing statements in order to obtain any clarification that it may consider necessary, and that it may communicate questions that it intends to ask to the parties and participants ahead of the hearing.
8. Lastly, in the interest of the publicity of the proceedings, the Chamber directs the parties and participants to file public redacted versions of their closing briefs, in consultation with each other as necessary, within two months of notification of the present order. In this context, the Chamber also reminds the parties and participants to comply with the directions on the preparation of proposals for lesser redacted versions of transcripts.⁸

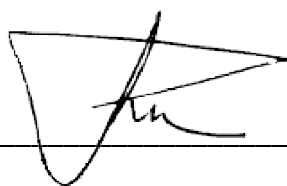
IN VIEW OF THE ABOVE, THE CHAMBER HEREBY

DIRECTS the parties and participants to comply with the time limits for the closing statements set out in paragraph 6 of the present order; and

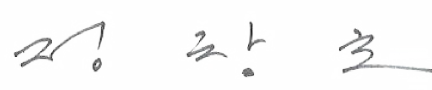

DIRECTS the parties and participants to file public redacted versions of their respective closing briefs, in consultation with each other as necessary, within two months of notification of the present order.

⁸ See Order amending the procedure for the submission of proposals for redactions and corrections to transcripts, 4 May 2017, ICC-01/04-02/06-1887 with public Annex A and confidential Annex B.

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



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki

Judge Chang-ho Chung

Dated this 15 August 2018

At The Hague, The Netherlands