

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **2 July 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***

**Confidential
With Confidential Annex 1 and Annexes A to G**

Defence Closing Brief

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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Me Stéphane Bourgon
Me Christopher Gosnell
Me Chloé Grandon
Me Marlene Yahya Haage
Mlle Margaux Portier
Me Isabelle Martineau
Me Didace Nyirinkwaya
Mlle Sandrine De Sena

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Further to Trial Chamber VI (“Chamber”)’s 28 December 2017 “Order providing directions related to the closing briefs and statements” (“Chamber’s Decision”),¹ Counsel representing Bosco Ntaganda (“Defence”) hereby submits its:

Defence Closing Brief

INTRODUCTION

1. Pursuant to the Chamber’s Decision, the Defence hereby submits its Defence Closing Brief enclosed as Confidential Annex 1, along with the following confidential annexes:

Annex A – Detailed Table of contents;

Annex B – List of abbreviations and acronyms;

Annex C – Table of authorities;

Annex D – List of Trial Transcripts;

Annex E – Requests for corrections to transcripts;

Annex F – Photographs/screenshots drawn from audio visual exhibits in evidence; and

Annex G – Satellite images.

PROCEDURAL BACKGROUND

2. On 2 September 2015, the Chamber heard the Parties and Participants’ opening statements and Mr Ntaganda’s unsworn statement.²
3. On 16 March 2018, pursuant to Rule 141 of the Rules of the Court (“RoC”), the Chamber declared the end of the evidentiary phase of the proceedings.³
4. On 20 April 2018, the Prosecution submitted its “Final Closing Brief” (“PCB”);⁴ and the Legal Representative of the Former Child Soldiers (“CLR1”) and the Legal

¹ Order providing directions related to the closing briefs and statements, 28 December 2017, [ICC-01/04-02/06-2170](#).

² T-23;T-24.

³ Decision closing the presentation of evidence and providing further directions, 16 March 2018, [ICC-01/04-02/06-2259](#).

⁴ Prosecution’s Closing Brief, 20 April 2018, [ICC-01/04-02/06-2277](#).

Representative of the Victims of the Attacks (“CLR2”) respectively filed their Closing Briefs (“CLR1 Closing Brief”⁵ and “CLR2 Closing Brief”⁶).

SUBMISSIONS

5. In the interests of clarity, the Defence deems necessary to address the following issues:

Trial transcripts (Annex D)

6. Annex D provides a list of all trial transcripts in this case including the transcripts that have been cited in the Defence Closing Brief.

Request for corrections to transcripts (Annex E)

7. When discrepancies were identified between the French and the English trial transcripts for a particular citation and the French version is considered to be accurate, the French version is cited and underlined in the relevant footnote, accompanied by the words “Annex E”. In addition, a request for a correction to the trial transcript was sent to CMS Court Management Transcript, copy of which is included in Annex E.
8. When discrepancies were identified such that neither the English nor the French trial transcripts correspond to the audio recording, the English version is cited and underlined in the relevant footnote, accompanied by the words “Annex E”. In addition, a request for a correction to the trial transcript was sent to CMS Court Management Transcript, copy of which is included in Annex E.
9. When discrepancies were identified in the corrected translation of the logbooks in evidence, the entry cited is underlined in the relevant footnote accompanied by the words “Annex E”. In accordance with the Chamber’s 5 June 2018 “Decision on the Defence request to submit further translation corrections,”⁷ no request for correction has been submitted but the details of the discrepancy identified is set out in Annex E. Only three such discrepancies were identified.

⁵ Closing brief on behalf of the former Child Soldiers, 20 April 2018, [ICC-01/04-02/06-2276](#).

⁶ Closing Brief of the Common Legal Representative of the Victims of the Attacks, 20 April 2018, [ICC-01/04-02/06-2275](#).

⁷ Decision on the Defence request to submit further translation corrections, 5 June 2018, [ICC-01/04-02/06-2295](#).

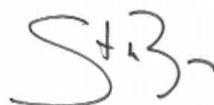
Photographs/screenshots drawn from audio-visual exhibits (Annex F)

10. Annex F to the Defence Closing Brief contains photographs/screenshots drawn from audio-visual exhibits in evidence.

Satellite imagery (Annex G)

11. Annex G to the Defence Closing Brief contains screenshots of satellite imagery admitted through Witness P-0810. The relevant ERNs and geographical coordinates of the images are indicated above the screenshots.

RESPECTFULLY SUBMITTED ON THIS 2ND DAY OF JULY 2018



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands