

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 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***

Public

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* ('Ntaganda case'), having regard to Articles 64 and 67 of the Rome Statute, Rule 141 of the Rules of Procedure and Evidence and Regulation 54(a) of the Regulations of the Court, issues the following 'Order on closing statements'.

1. On 5 December 2017, the Chamber convened a status conference ('Status Conference') to hear submissions on, *inter alia*, the length and timing of the closing statements.¹ In this context, the Office of the Prosecutor ('Prosecution') requested four hours to present its closing statements.² The defence team for Mr Ntaganda ('Defence') submitted that both parties should be given eight hours each for their respective closing statements,³ and the Legal Representative of the Former Child Soldiers ('LRV1')⁴ and the Legal Representative of the Victims of the Attacks ('LRV2', together 'Legal Representatives')⁵ requested one hour each.
2. On 28 December 2017, the Chamber indicated that closing statements would be scheduled 'approximately two weeks after the filing of the Defence's reply', and that it would 'determine at a later stage the time allotted to the parties and the participants for the presentation of their respective closing statements'.⁶

¹ See Order scheduling a status conference, 28 November 2017, ICC-01/04-02/06-2131; Transcript of hearing of 5 December 2017, ICC-01/04-02/06-T-258-ENG.

² ICC-01/04-02/06-T-258-ENG, page 11, lines 16-18. The Prosecution explained that this is subject to the condition that it be allowed to reply in writing to the Defence closing brief, which was approved by the Chamber. See Order providing directions related to the closing briefs and statements, 28 December 2017, ICC-01/04-02/06-2170 ('Directions'), para. 15.

³ ICC-01/04-02/06-T-258-ENG, page 15, lines 15-17.

⁴ ICC-01/04-02/06-T-258-ENG, page 21, lines 2-3.

⁵ ICC-01/04-02/06-T-258-ENG, page 19, lines 16-17.

⁶ Directions, ICC-01/04-02/06-2170, para. 16.

3. On 9 May 2018, the Registry informed the parties and participants that the Chamber intends to schedule the closing statements in the *Ntaganda* case for 28, 29, and 30 August 2018.⁷
4. As concerns the duration of the parties' and participants' closing statements, the Chamber directs the parties and participants to provide any further submissions on this matter as soon as practicable, and in any event by no later than 14 August 2018. In this context, the parties and participants shall also inform the Chamber of the number of persons who will speak, as well as any specific technical equipment intended to be used, during the closing statements.
5. Further, in case the accused intends to make an unsworn statement in the context of the closing statements, the Defence is directed to inform the Chamber within the same time frame. Email submissions are being permitted for both purposes.
6. Lastly, the Chamber emphasises 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. The Chamber also envisages the possibility that it may communicate some questions to the parties and participants ahead of the hearing. In that case, the Chamber will endeavour to do so as soon as practicable in order to allow the parties and participants to prepare.

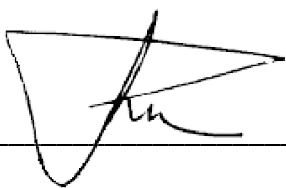
⁷ Email from the Registry to the parties and participants, 9 May 2018, at 16:57. *See also* Decision on the Defence request for an extension of time to file its closing brief, 29 May 2018, ICC-01/04-02/06-2291, footnote 20.

IN VIEW OF THE ABOVE, THE CHAMBER HEREBY



SCHEDULES a public hearing for the closing statements in the *Ntaganda* case to take place on 28, 29, and 30 August 2018 at the seat of the Court; and

DIRECTS the parties and participants to communicate any submissions on the issues referred to in paragraphs 4 and 5 above, or any other matters that are of relevance for a proper planning of the closing statements, as soon as practicable, and by no later than 14 August 2018.

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 4 July 2018

At The Hague, The Netherlands