

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 15 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Under Seal

**Decision convening a hearing and decision incorporating a decision of the
Presidency into the record of the case**

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Ekkehard Withopf, Senior Trial
Lawyer

Counsel for the Defence

Legal Representatives of the Victims

Unrepresented Victims

**The Office of Public Counsel for
Victims**

States Representatives

Legal Representatives of the Applicants

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for the Defence

Amicus Curiae

REGISTRY

Registrar

Mr Ralph Martens, Acting Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
The Trust Fund for Victims**

PRE-TRIAL CHAMBER I of the International Criminal Court ("the Chamber" and "the Court", respectively);

NOTING the "Prosecutor's Application for warrants of Arrest, Article 68"¹ (the Application") filed by the Prosecution in respect of Thomas Lubanga Dyilo and Bosco Ntaganda on 12 January 2006;

NOTING the "Decision on the Prosecutor's Application for Warrants of Arrest, Article 58"² issued by the Chamber on 10 February 2006, in which the Chamber rejected the warrant of arrest for Bosco Ntaganda on the basis of the inadmissibility of the case against him;

NOTING the Prosecution's appeal against the Chamber's Decision, filed by the Prosecution on 14 February 2006;³

NOTING the Appeals Chamber "Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled 'Decision on the Prosecutor's Application for Warrants of Arrest, Article 58'"⁴ ("the Appeals Chamber Judgement") issued on 13 July 2006;

¹ ICC-01/04-98-US-Exp

² ICC-01/04-118-US-Exp-Corr.

³ ICC-01/04-125-US-Exp.

⁴ ICC-01/04-169-US-Exp.

NOTING the arrest warrant against Bosco Ntaganda⁵ issued by the Chamber on 22 August 2006;

NOTING the "Prosecution's application for unsealing the arrest warrant against Bosco Ntaganda"⁶ filed by the Prosecution on 29 February 2008;

NOTING the Memorandum submitted by Judge Akua Kuenyehia and Judge Sylvia Steiner requesting the Presidency to excuse them from the case of *The Prosecutor v. Bosco Ntaganda*⁷ ("the Request for Excusal") dated 10 March 2008;

NOTING the "Decision on the request to be excused from the exercise of judicial functions in the case of *The Prosecutor v. Bosco Ntaganda*, pursuant to article 41 of the Rome Statute"⁸ sent via memorandum from the Presidency ("the Decision") to Judges Akua Kuenyehia and Sylvia Steiner, dated 11 April 2008, which dismissed the Request for Excusal;

CONSIDERING that the Decision, attached hereto in Annex A, should be incorporated into the record of the case of *The Prosecutor v. Bosco Ntaganda*;

CONSIDERING that the Prosecution's request for unsealing in the case of *The Prosecutor v. Bosco Ntaganda* is still pending before the Chamber, and that the

⁵ ICC-01/04-02/06-1-US-Exp

⁶ ICC-01/04-02/06-15-US-Exp

⁷ Ref: ICC-01/04-02/06/memo/1.

⁸ Ref. 90-5/PK/RB/GP.

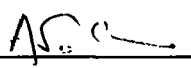
Chamber requires further information concerning the implementation of such request;

FOR THESE REASONS

DECIDES to incorporate into the record of the case of *The Prosecutor v. Bosco Ntaganda* the Decision, attached hereto in Annex A;

DECIDES to convene a hearing in the case of *The Prosecutor v. Bosco Ntaganda* on 23 April 2008 at 10h00.

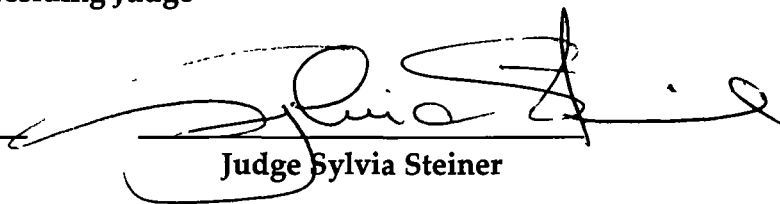
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Tuesday 15 April 2008

At The Hague,

The Netherlands