

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 August 2014

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 postponing and setting a new date for the status conference

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

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**

Ms Paolina Massidda

**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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64(3) of the Rome Statute, Rule 132(1) of the Rules of Procedure and Evidence and Regulation 54 of the Regulations of the Court, issues the following 'Order postponing and setting a new date for the status conference'.

1. On 21 July 2014, the Chamber issued the 'Order Scheduling a Status Conference and Setting a Provisional Agenda', in which it scheduled a status conference for 20 August 2014 and ordered the parties and participants to submit written observations on the agenda items by 14 August 2014.¹
2. Shortly before the Chamber issued its order, Mr Ntaganda's lead counsel, Marc Desalliers, had been authorised to withdraw from the case.² On 13 August 2014, the defence team for Mr Ntaganda ('Defence') requested an extension of the deadline to file its observations until such time as a new lead counsel would have been appointed.³ The Chamber granted the request that same day.⁴
3. Mr Ntaganda was given the opportunity to choose a new lead counsel. On 14 August 2014, the counsel of his choice, Stéphane Bourgon, accepted appointment.⁵ The following day, Mr Bourgon was officially assigned as lead counsel for Mr Ntaganda.⁶
4. In light of the foregoing, the Chamber considers it appropriate to allow Mr Bourgon time to sufficiently familiarise himself with the case and take instructions from his client before making submissions on the agenda items.

¹ ICC-01/04-02/06-339.

² Pre-Trial Chamber II, Decision on the "Requête de Me Marc Desalliers afin d'être autorisé à se retirer du dossier en qualité de Conseil principal de M. Bosco Ntaganda", 16 July 2014, ICC-01/04-02/06-333.

³ E-mail from the Defence to Legal Officer of the Chamber, 13 August 2014, 12:43.

⁴ E-mail from Legal Officer of the Chamber to Defence, 13 August 2014, 17:00.

⁵ Déclaration d'acceptation de designation, signed by Mr Bourgon on 14 August 2014.

⁶ Registration in the record of the case of the appointment of Mr. Stéphane Bourgon as Lead Counsel of Mr. Bosco Ntaganda, ICC-01/04-02/06-353, 15 August 2014.

5. The Chamber therefore postpones the status conference scheduled for 20 August 2014 and sets the new date for 18 September 2014. The provisional agenda for the status conference will remain the same.⁷
6. To facilitate preparations for the status conference, the Defence is instructed to make written submissions on the provisional agenda items which are of relevance to it and file such submissions no later than 12 September 2014.
7. The Chamber has taken note of the 'Prosecution's Submissions on the Provisional Agenda for the 20 August 2014 Status Conference'.⁸ In its submissions, the Office of the Prosecutor ('Prosecution') states that disclosure of evidence and identities of witnesses is at an advanced stage,⁹ yet it proposes a date for the commencement of trial that is approximately one year after Pre-Trial Chamber II confirmed the charges against Mr Ntaganda.¹⁰ As a preliminary indication and subject to further consideration, the Chamber considers it desirable for the timeline suggested by the Prosecution to be streamlined. The Chamber notes that the proposed date is, in part, based on presently still ongoing assessments of evidence and disclosure, as well as the ongoing transcription and translation of materials.¹¹ The Chamber further notes that due to the postponement of the status conference the Prosecution will be in a position to provide an updated assessment on the proposed commencement date. The Chamber therefore instructs the Prosecution to make such an updated assessment and to file its submissions on this issue by 12 September 2014.

⁷ See ICC-01/04-02/06-339, para. 5.

⁸ ICC-01/04-02/06-352, 14 August 2014.

⁹ ICC-01/04-02/06-352, paras 8-11.

¹⁰ ICC-01/04-02/06-352, para. 43. The 'Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Bosco Ntaganda' (ICC-01/04-02/06-309) was issued by Pre-Trial Chamber II on 9 June 2014.

¹¹ ICC-01/04-02/06-352, paras 45-49.

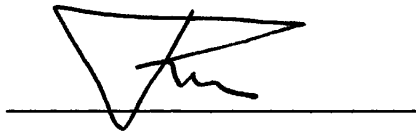
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

SCHEDULES a status conference on 18 September 2014;

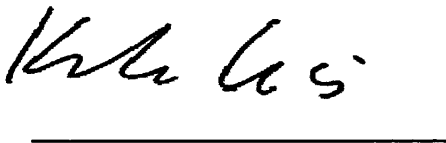
ORDERS the Defence to submit its written observations on the provisional agenda and to inform the Chamber of any items it wishes to be added to it by 12 September 2014; and

ORDERS the Prosecution to file updated submissions by 12 September 2014.

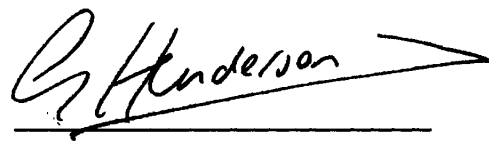
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to be 'R. Fremr', written over a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to be 'K. Ozaki', written over a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, appearing to be 'G. Henderson', written over a horizontal line.

Judge Geoffrey Henderson

Dated 15 August 2014

At The Hague, The Netherlands