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

Date: **5 June 2015**

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

**Joint observations on the existence of any changed circumstances in relation to
Mr Ntaganda's detention pursuant to Article 60(3) of the Rome Statute**

Source: Office of Public Counsel for Victims

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

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 26 February 2015, Trial Chamber VI (the “Chamber”) rendered its “Fifth decision on Mr Ntaganda’s interim release”,¹ wherein it decided that Mr Ntaganda shall continue to be detained.²

2. On 11 May 2015, the Chamber issued its “Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute” (the “Order”) requesting, *inter alia*, the Legal Representatives of Victims to file their observations on the existence of any changed circumstances in relation to Mr Ntaganda’s detention pursuant to article 60(3) of the Rome Statute by 5 June 2015.³

3. On 29 May 2015, the Defence filed its observations on Mr Ntaganda’s detention, submitting that “*to the best of its knowledge, there are no changed circumstances warranting a modification of the Chamber’s previous ruling pursuant to Article 60(3) rendered on 26 February 2015*”.⁴

4. Pursuant to the Order, the Common Legal Representative of the Victims of the Attacks and the Common Legal Representative of the Child soldiers (the “Common Legal Representatives”) jointly submit the following observations.

5. The Common Legal Representatives fully concur with the Defence and recall *in toto* their observations made in writing on 8 July 2014⁵ and on 30 January 2015⁶ and orally during the hearing held on 23 October 2014.⁷

¹ See the “Fifth decision on Mr Ntaganda’s interim release” (Trial Chamber VI), No. ICC-01/04-02/06-477, 26 February 2015.

² *Idem*, p. 7.

³ See the “Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute” (Trial Chamber VI), No. ICC-01/04-02/06-595, 11 May 2015, p. 4.

⁴ See the “Observations on behalf of Mr Ntaganda on the existence of changed circumstances in relation to his detention pursuant to Article 60(3)”, No. ICC-01/04-02/06-615, 29 May 2015, para. 2.

⁵ See the “Observations conjointes des représentants légaux communs relatives au réexamen périodique de la détention de M. Bosco Ntaganda”, No. ICC-01/04-02/06-327, 8 July 2014.

⁶ See the “Joint observations on the existence of any changed circumstances in relation to Mr Ntaganda’s detention pursuant to Article 60(3) of the Rome Statute”, No. ICC-01/04-02/436, 30 January 2015.

⁷ See the transcript of the hearing held on 23 October 2014, No. ICC-01/04-02/06-T-16-ENG ET WT, p. 7, line 8 to p. 10, line 4.

6. Therefore, the Common Legal Representatives submit that Mr Ntaganda must continue to be detained since the conditions set forth in article 58(1) of the Rome Statute continue to be met, and there have been no changed circumstances in the sense of article 60(3) of the Rome Statute since the last decision of the Chamber in this matter.

FOR THE FOREGOING REASONS, the Common Legal Representatives respectfully request the Chamber to rule that Mr Ntaganda must remain in detention.



Dmytro Suprun
Common Legal Representative of the
Victims of the Attacks



Sarah Pellet
Common Legal Representative of the
Child soldiers

Dated this 5th day of June 2015

At The Hague, The Netherlands