



Original: **English**

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

Date: **12 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

**Redacted version of “Response on behalf of Mr Ntaganda to Prosecution’s and
LRVs’ observations under Article 60(3) of the Statute”**

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

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Legal Representatives of Victims

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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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Further to: (i) the *“Order requesting the parties’ and participants’ observations under Article 60(3) of the Statute”* issued by Trial Chamber VI (“Chamber”) on 11 May 2015;¹ (ii) the *“Observations on behalf of Mr Ntaganda on the existence of changed circumstances in relation to his detention pursuant to Article 60(3)”* submitted by the Defence on 29 May 2015;² (iii) the *“Prosecution’s Observations on the Review of the Pre-Trial Detention of Bosco Ntaganda”* submitted by the Office of the Prosecutor (“Prosecution”) on 4 June 2015 (“Prosecution Observations”);³ and (iv) the *“Joint observations on the existence of any changed circumstances in relation to Mr Ntaganda’s detention pursuant to Article 60(3) of the Statute”* jointly submitted by the Legal Representatives of Victims (“LRVs”) on 5 June 2015 (“LRVs Observations”),⁴ Counsel representing Mr Ntaganda (“Defence”) submit this:

**Response on behalf of Mr Ntaganda to Prosecution’s and LRVs’ observations
under Article 60(3) of the Statute**

“Defence Response”

1. The Defence hereby provides its response to the Prosecution Observations and the LRVs Observations.
2. The Defence notes that in their respective Observations, both the Prosecution⁵ and the LRVs⁶ acknowledge that there are no changed circumstances warranting a modification of the Chamber’s previous ruling pursuant to Article 60(3) of the Statute.
3. However, [REDACTED]⁷ [REDACTED].⁸

¹ ICC-01/04-02/06-595.

² ICC-01/04-02/06-615.

³ ICC-01/04-02/06-624-Conf. A public redacted version of the Prosecution Observations was filed on 5 June 2015: ICC-01/04-02/06-624-Red.

⁴ ICC-01/04-02/06-626.

⁵ Prosecution Observations, para.8.

⁶ LRVs Observations, para.6.

⁷ [REDACTED]

⁸ [REDACTED].

4. [REDACTED].⁹
5. The Defence further notes that in its “*Fourth decision on Mr Ntaganda’s interim release*”,¹⁰ the Chamber previously disregarded similar contentions made by the Prosecution.¹¹

CONFIDENTIALITY

6. Pursuant to Regulation 23*bis* (1) and (2) of the Regulations of the Court, this Defence Response is submitted on an *ex parte* basis – only available to the Chamber, Prosecution and Defence – as it responds to a filing bearing the same classification. Although the Defence Response is submitted via the Registry, it is not to be communicated to the Victims and Witnesses Unit. The Defence will file a public redacted version of its Defence Response.

RESPECTFULLY SUBMITTED ON THIS 12TH DAY OF JUNE 2015



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands

⁹ [REDACTED].

¹⁰ ICC-01/04-02/06-391, paras.16, 17.

¹¹ [REDACTED].