

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 International Criminal Court
2 Trial Chamber VI - Courtroom 2
3 Situation: Democratic Republic of the Congo
4 In the case of The Prosecutor v. Bosco Ntaganda - ICC-01/04-02/06
5 Presiding Judge Robert Fremr, Judge Kuniko Ozaki and Judge Geoffrey Henderson
6 Ex Parte Status Conference (Defence and Registry only)
7 Wednesday, 1 October 2014
8 (The status conference starts in closed session at 4.03 p.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE FREMR: Good afternoon, everyone. Welcome to this ex parte
13 status conference with the Defence for Mr Ntaganda and the Registry.
14 Thank you for the flexibility because we have to change several times the venue and
15 time and I also thank Registry that they accommodate this option.
16 So eventually we can use this courtroom which means that as to the interpretation
17 and transcript there are no limitations here, unlike the courtroom we were going to sit
18 originally, so I am only making one announcement as usual, please keep the ordinary
19 rules with pauses and the rule to speak slowly, not to complicate translation and
20 transcript.
21 So now those who are present, please introduce themselves for the record.
22 I will start with Defence.
23 MR BOURGON: Good afternoon, Mr President. Good afternoon, Honourable
24 Judges, and everyone in and around the courtroom. Representing
25 Mr Ntaganda - who is not here today, having waived his right to not be

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 present - behind me, Maître Andrea Valdivia, legal assistant on the team; to my right,
2 Ms Margaux Portier, case manager; and behind me to my right also is Ms Melissa
3 Beaulieu, who is an intern on the team of Mr Ntaganda.

4 Thank you, Mr President.

5 PRESIDING JUDGE FREMR: Thank you, Mr Bourgon. So I just repeat what you
6 have already said that Mr Ntaganda has waived his right and the Chamber notes that.
7 Now, Registry please?

8 MR DUBUISSON: (Interpretation) Thank you, your Honours. With me today is
9 Bibiana Suarez, who is a co-ordinator within the office of Court Management Services,
10 and Esteban Peralta-Losilla, Chief of the Counsel Support Section. I am
11 Marc Dubuisson, representing the Registrar, Herman von Hebel.

12 PRESIDING JUDGE FREMR: Thank you very much.

13 At the very beginning of this status conference I would like to point out that it is to
14 further discuss the matter of Defence resources.

15 On 16 September the Defence requested the Chamber to grant it additional resources
16 in the form of a second permanent legal assistant. The Registry objects to this
17 request and submits that it is sufficient to allow the Defence to hire a second legal
18 assistant for a period of six months, subject to renewal based on a reassessment of
19 needs.

20 On the basis of the submissions made by both the Defence and the Registry, the
21 Chamber has some further questions, and we believe that we will receive during this
22 status conference clarification on these questions that will enable us to issue a
23 decision soon hereafter.

24 I would like to start with questions to Defence. First of all, can you confirm that the
25 situation remains as presented in the written filings, or have there been any further

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 discussions directly with the Registry resulting in any progress on this matter?

2 MR BOURGON: Thank you, Mr President. Allow me to begin by introducing
3 myself because I forgot myself in the presentations. My name is Stéphane Bourgon.
4 I am counsel representing Bosco Ntaganda.

5 In the direct response to your query, Mr President, I can say that further to the last
6 status conference held on 11 September, there has been further discussions between
7 the Registry representatives and the Defence, more particularly I met with the
8 director of the court services last Friday, 26 September, and we did make some
9 progress because I introduced further elements that may have been missed by the
10 Registrar in his initial response.

11 So there has been some progress, but we have not come to -- we have not succeeded
12 in resolving the matter. Thank you, Mr President.

13 PRESIDING JUDGE FREMR: Thank you. And maybe I will follow by a second
14 question: The Chamber also understands that the Defence will be allowed to hire a
15 co-counsel. Has a co-counsel been recruited already?

16 MR BOURGON: Mr President, since taking over as counsel representing
17 Mr Ntaganda on 15 August, I have approached a number of candidates for the
18 position of co-counsel. At this stage, my list is down to four candidates, two of
19 whom have already been met and two further that I will meet over the next week.
20 It is certainly the intention to have a co-counsel hired by the end of next week, or at
21 the latest on 12 October. Thank you, Mr President. Or 13 October, the Monday
22 following that week.

23 PRESIDING JUDGE FREMR: Okay.

24 Now I would like to turn to Registry. First question: Could you compare the
25 Ntaganda case with previous ICC cases like Lubanga or Bemba, taking into account

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 their extent, number of charges, number of witnesses and their complexity? And
2 maybe to be precise I don't require from you detailed comparison of those factors, but
3 rather comparison of demands placed on the Defence in those cases.
4 MR DUBUISSON: (Interpretation) Thank you, your Honour.
5 Indeed when we last met with the Defence team, which Mr Bourgon mentioned, we
6 did touch upon the complexity of the case and we worked on a comparison with the
7 Lubanga case because the Lubanga case is closely related to this one, at least when it
8 comes to the initial warrant that was issued.
9 We talked about the fact that the people who were initially working on the Ntaganda
10 case were people who had previously worked on the Lubanga case and, as far as we
11 were concerned, that was a major part of our revision of our position.
12 And we are saying indeed, with all the knowledge, all the knowledge that Mark
13 Desalliers and Caroline had relating to the Lubanga case, that knowledge no longer
14 exists. The case file has been transferred, but not all the knowledge that the people
15 themselves had.
16 Indeed, since there is a second warrant of arrest now with more important charges,
17 we realised -- well we considered not only the complexity, but also the fact that there
18 was that knowledge that had disappeared.
19 We also considered the fact that there was a resource person in the field, an
20 investigator or a resource person if you will - that was mentioned at the beginning in
21 a decision in the Lubanga case - and that will not be the person that the Defence team
22 is currently considering. So that will make it much more difficult for the Defence to
23 do their work in the field.
24 So indeed there are new elements now to be considered as of Friday, a number of
25 details, and now we can consider the Defence's request from a different light and give

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 a much more favourable response.

2 PRESIDING JUDGE FREMR: I think -- even now I think Benches for sure appreciate
3 this angle of your view.

4 Anyway, I would like to ask you for other comparison. Could you compare
5 demands placed on the Defence in pre-confirmation stage of this case, of this
6 particular case, with demands placed on them in a current stage which means
7 between confirmation decision and commencement of trial? Do you think there are
8 the same, or are there less?

9 MR PERALTA-LOSILLA: Your Honour, thank you. Thank you very much.

10 In general, the current phase of course is a phase which makes it necessary to add the
11 resources. This is why the legal aid system includes the -- the figure of the associate
12 counsel, or co-counsel, which hopefully will be recruited soon by the -- by the Defence
13 team.

14 And this is basically the reason why we were also -- first, on the basis of the
15 information that we had before the meeting of last Friday between the counsel and
16 the director, we had allowed the counsel to recruit a second legal assistant for a
17 period of six months and today we have -- we have new elements which allow us to
18 provide further resources to the -- to the team.

19 PRESIDING JUDGE FREMR: Okay. It sounds close, but I know it's something still,
20 you know, not in the concrete agreements, something like this. So it's still some
21 hope that you will change your position, or it's for sure, or --

22 MR PERALTA-LOSILLA: No, I am sorry if I didn't make it very clear, but the
23 current situation as stems from the -- from the meeting, or from the report I have from
24 the meeting that the counsel had with my supervisor, the Director of Court Services,
25 we would be definitely amenable to grant this legal assistant - the second legal

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 assistant - for a period of 12 months, which I understand was the request of the -- of
2 the counsel.

3 PRESIDING JUDGE FREMR: I frankly had prepared some further questions, but
4 now I see there is some, you know, proposal for maybe agreement.

5 May I ask directly Mr Bourgon whether such an offer would be convenient to Defence,
6 or not?

7 MR BOURGON: Thank you, Mr President. This is the first time that I hear of the
8 period of 12 months. However this is not satisfactory at this stage, Mr President, 12
9 months.

10 The questions that you posed to the Registry as to the level of work, or the work to be
11 performed during the pre-confirmation stage and the work to be performed now, is
12 certainly not less today than it was during the confirmation stage and is certainly not
13 less than the work to be performed during trial.

14 During the confirmation stage, as illustrated by our filing, the team was composed of
15 a counsel, two legal assistants on full-time, plus one more legal assistant that was
16 hired using the -- what we call the monthly allowance, or the monthly budget, plus
17 the case manager and plus an intern. There's no reason that the work now should be
18 less than this.

19 Now, I need to speak about your second question which is the presence of a
20 co-counsel. Again, as illustrated in our filing, the co-counsel has a completely
21 different role and doesn't replace one of the legal assistants that is no longer with us
22 because no longer authorised by the Registry.

23 All in all, just to be -- what I need to say is that what we are looking for is a second
24 legal assistant for both this phase and during trial - that's why there should not be a
25 limit of 12 months - and then I could go on and argue about the continuity.

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 The most important factor that I brought to the attention of the director last
2 Friday - and he mentioned it rightly, very correctly - is the loss of knowledge since I
3 took over the case. We -- there used to be at least three persons on the case who
4 knew the Lubanga case and the facts related to the Lubanga case very well. The lead
5 counsel did, the legal assistant did and the second legal assistant who is sitting behind
6 me today, Maître Andrea Valdivia, but Ms Valdivia will be soon leaving the team and
7 she will be employed as a consultant (Redacted). So I will keep her on board,
8 but that is the limit or that is the extent of the knowledge of my team regarding the
9 facts of the case. That is why I'm looking for continuity and I'm looking to hire a
10 team that will work from now on until the end of the proceedings with a view, of
11 course, to be able to -- to respect any schedule set by the Trial Chamber so that we can
12 move along, get the trial underway as quickly as possible and provide Mr Ntaganda
13 with a trial within a reasonable delay.
14 I hope I'm not speaking too fast. I'm trying to keep the pace down.
15 But in a nutshell those are my representations. So what I am looking for today is a
16 decision from the Chamber that, given those special circumstances, we can have the
17 second legal assistant on a permanent basis until the end of the proceedings.
18 Thank you, Mr President.
19 PRESIDING JUDGE FREMR: Thank you. Maybe I will follow those submissions
20 made just now made by Defence. I think there is no secret that the Chamber is
21 highly interested, having in mind the principle of equality of arms, to be served by
22 most qualified lawyers, including legal assistants on both parties of the proceedings.
23 So now it is a question to the Registry. Don't you think that six months' but even 12
24 months' contract would make it rather difficult for the Defence to hire the most
25 qualified lawyer for this position? And just following this submission, continuing

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 with it, don't you think that for the proper functioning of the legal teams, on both
2 sides I would emphasise, the continuity is beneficial? Or by -- I mean, in other
3 words don't you think that repetitive changes in a composition of the -- any team
4 during the course of proceedings is harmful to the case?

5 MR DUBUISSON: (Interpretation) Thank you, your Honour.

6 First of all, allowing someone to recruit an assistant for six months doesn't mean that
7 the assistant will be replaced. There may be another contract of six months or one
8 year, so I don't think there may be an impact. Those are two separate things, I agree
9 with you, and we know this because we ourselves have assistants.

10 It's much better to have continuity in terms of knowledge, and it's also good to have
11 the opportunity to recruit people who come here because they realise they will have
12 some stability for a certain period of time. If you want good staff and if you want to
13 bring them from Canada or Australia, a six-month contract will not do to bring
14 them -- will not be enough to bring them here. This we entirely agree. That is part
15 of the positive part of the conversation we have had.

16 As far as we have -- are concerned we have not closed the door in our filing, but we
17 were going to allow six months. It seems apparent today that we should provide a
18 one -- allow a one-year contract. We agree on that. The contract should be one
19 year.

20 Now, when you say -- well, this is -- when you say until the end of the proceedings,
21 you have to consider two things: What does that mean, the end of the proceedings
22 at the ICC? Proceedings are long and include a number of stages, so you have to be
23 careful. You don't want to make a decision today that will cover various stages and
24 legal assistants that are subject to rules. So we agree that the Rules allow for a
25 co-counsel, a legal assistant, a case manager.

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 What the Defence is asking for today is two legal assistants not just for one year, but
2 for the entire proceedings, so I conclude that when he speaks about the entire phase
3 he means trial, not appeal. And we could even say up until the end, up until final
4 submissions, because while you write your ruling it is not necessary for the Defence
5 to have such a large team. All that has been written down and I don't think there's
6 any opposition from the Defence regarding that.

7 As far as we are concerned, we agree that, yes, there will be a counsel - a
8 co-counsel - because equality of arms is also a very important issue to us.

9 Another important issue for us - and this is a bit of a digression - is the time, the
10 duration, of proceedings. The faster the Defence team is operational, the faster a trial
11 can begin, the faster resources are activated. So by losing -- or if you lose some
12 money by giving the Defence more resources, you make up for that loss later on
13 because the Defence -- because the proceedings go quickly. I'm speaking in
14 budgetary terms, but of course a trial is far more than just a budget.

15 Yes, for a counsel. Yes, for a co-counsel. We agree to use the legal assistant with
16 the money that remained, using the ticket -- the -- hiring that person as a consultant,
17 and then a second legal assistant, but I think a one-year contract is what should be
18 given and I think in light of what is coming up, well, in a year we can review the
19 situation and perhaps extend that legal assistant.

20 I think if we were to do that today for proceedings, well, the Lubanga proceedings
21 lasted six years and I think to go that far might be premature. So I think we should
22 offer one year and as we see the trial develop, we can renew the contract as necessary.

23 So we are making the proposition more attractive to the Defence by offering 12
24 months rather than six. I hope that this solution is satisfactory to the Defence.

25 PRESIDING JUDGE FREMR: Okay, Mr Dubuisson, I would have in this context two

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 questions. The first one is rather general. I think we -- I guess you have been
2 informed about the current development of the case - Ntaganda case - after the first
3 status conference. I can just summarise it for you saying that at the moment
4 Prosecution proposed to start trial in June, subject -- it's important to emphasise -- but
5 subject to optimal co-operation from the part of Defence.

6 So it's maybe rather hypothetical but still tell me please in case that the Chamber
7 would have to postpone the commencement of trial for several months, would it
8 mean increase of total cost of this case?

9 MR DUBUISSON: (Interpretation) That's a very interesting and at the same time
10 complex question. Why? Because if -- whether the trial begins in June or not, most
11 of the people here will still be collecting their salaries, so it's a matter of determining
12 what the impact will be in terms of interpreters to be recruited for a specific language,
13 so that could have an impact -- a delay could have an impact.

14 Now, furthermore, a Judge may come to the end of his mandate. That also has an
15 impact.

16 So, yes, there are financial impacts and we spoke of that when we met with the
17 Defence. So the greatest concern of the Registry right now is not to slow down
18 proceedings because, indeed, that can have an impact on investment, or rather return
19 on investment.

20 So providing a one-year contract would allow the Defence to cover that period and be
21 ready for 4 June if that is the case. And the Defence, in turn, as counsel pointed out,
22 will have to find colleagues as quickly as possible, but that is not something we are
23 accountable for.

24 PRESIDING JUDGE FREMR: And probably the last question from my part at this
25 stage, just I would like to address your concern. According to my understanding,

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 for the current case, the new legal aid system is in place. Please, what is going to
2 happen with payment to the -- hypothetically, to the legal assistant with the
3 permanent contract in case of stay of proceedings for several months; for example, in
4 a situation similar to that in the Lubanga case?

5 MR DUBUISSON: (Interpretation) Dare I say that I hope that there will be no stay
6 of proceedings, but it's not me -- up to me to make that decision. It's up to you, of
7 course, to make such a decision.

8 Now, just because -- speaking of stay of proceedings, that is a legal term that can
9 cover a specific characterisation within a legal system during proceedings.

10 Generally speaking, if I look at the Lubanga case, there were four interruptions in
11 proceedings, not necessarily stays of proceeding.

12 Now, sometimes it's a matter of not having access to evidence, sometimes someone
13 can't be replaced, sometimes the Defence cannot work for a period of time.

14 Generally speaking, just because there might be a stay of proceedings or some other
15 halt in the proceedings, within the Registry that we block the payment of certain
16 payments -- certain salaries, or stop certain contracts, so it relates to the circumstances
17 of the case exactly what is going on and how the Defence justifies the needs of
18 resources during a halt in proceedings.

19 In the case of Lubanga we had one halt at the very beginning. Jean Flamme, the
20 counsel at the time, withdrew from the case and it was the Defence that was involved
21 in that halt and it would have been incredible for us to do away with Defence
22 resources when they needed them the most.

23 So it depends on the circumstances. We always try to ensure, as you said, that the
24 equality of arms principle is respected. We realise that the Prosecution has
25 considerable resources and we try to ensure that the Defence can be ready for a trial.

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 We are in a preparatory stage right now. People will have to go into the field, and I
2 spoke to the Defence about the importance of having a resource person.

3 There's also these security issues outside of the Bunia area. This is an area where the
4 Defence will certainly have to go work, and that could slow down the Defence's work
5 as well. So we are very attentive to those issues. We know where the Defence has
6 to operate in terms of its investigations -- we think we know. I can't say that I know
7 exactly where the Defence is going to go look for its witnesses, but we know what
8 area they're working in. We know that there are protection and security problems to
9 be dealt with.

10 So we take all of these issues into account, as we do our work, so that we try to
11 anticipate any problem that might slow down the Defence's work. So we are very
12 careful about that, very mindful of all those issues.

13 PRESIDING JUDGE FREMR: Thank you, but one additional question. Maybe
14 I was not clear enough, because according to my understanding, and please correct
15 me if I'm wrong, according to my understanding, in case of some fundamental stay of
16 proceedings which -- during which the Defence practically would be almost inactive,
17 it was my understanding that in such a hypothetical case this second legal assistant,
18 this permanent contract, would be, because of those special circumstances, paid only
19 on an hourly basis, or am I wrong on that?

20 MR DUBUISSON: (Interpretation) I'll give the floor to Esteban to give you greater
21 details about the various stages of the proceedings.

22 MR PERALTA-LOSILLA: Thank you very much, your Honours. Effectively, when
23 there is a -- a moment in the proceedings where the procedure comes to a -- to a stop,
24 the Registry will assess the needs and the -- the needs of work from the Defence and
25 the action plan submitted by the Defence, and we'll take any -- any decision, like it

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 happened again -- Mr Dubuisson has referred to the Lubanga case, and the -- during
2 the -- the stop -- the different stops in the proceedings in that case, it is true that the
3 Defence team was not affected because they justified the need of their continuing their
4 work, and this of course would happen with -- with this case, or happens to any other
5 case.

6 It is -- it is assessed by the -- by the Registry on an ad hoc basis.

7 PRESIDING JUDGE FREMR: Thank you very much.

8 I think it's, for the moment, all from my part. I can ask also my colleagues whether
9 they do have any questions.

10 Judge Ozaki, please.

11 JUDGE OZAKI: I, in fact, have a confirmation from the Registry. So your kind
12 proposal to the Defence is to give a 12-month contract, renewable for this second legal
13 assistant up until the end of examination of evidence or closing -- closing statement
14 stage; is that what -- is that the -- your proposal, your kind proposal?

15 MR PERALTA-LOSILLA: Yes, your Honour. The -- the proposal is
16 exactly -- exactly that, to allocate right now the resources for 12 months of legal
17 assistant and then when the end of that -- of those 12 months is near, to reassess the
18 need for this second legal assistant, and if it is justified, we would extend that -- that
19 appointment.

20 PRESIDING JUDGE FREMR: Mr Bourgon, do you want to react?

21 MR BOURGON: Indeed, Mr President. Thank you very much.

22 With all due respect for my colleagues and friends on the other side, I fail to
23 understand the argument about the 12 months.

24 To begin with, if I look at the trial phase itself and I look at the past trials of Lubanga,
25 Katanga and Ngudjolo, in those three cases, I stand to be corrected, but they were

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 given a second legal assistant.

2 Now, I think we don't have to speak very much that this case is larger and more
3 complex than all three cases I just mentioned, which would mean that there would be
4 a need for a second legal assistant during the trial phase.

5 Now we're talking about preparation for trial and we have submitted all the
6 necessary justification, more particularly the lack of knowledge or the loss of
7 knowledge of the team, which also makes it necessary for a second legal assistant
8 between now and beginning of trial.

9 Putting these two things together, what we are simply asking is a second legal
10 assistant in the same conditions as the first legal assistant.

11 Now, in its filing the Registry indicated the issue of stay of proceedings or other
12 things that may happen by which there are less resources required, but this is very
13 well laid out in the Registry's single policy document and this is accepted by all
14 members of the Defence team. Should there be a stay of proceedings, my
15 understanding is I will then have to meet with my colleague from the Counsel
16 Support Section and justify what resources I need during the period when this event
17 takes place. And, of course, everyone here in the courtroom -- nobody wants such
18 an event to take place, but if it does take place, we assess and I have to -- then I have
19 to justify what I need.

20 But in the absence of such an exceptional event, what I'm asking for is simply to stop
21 wasting time, and I -- maybe I should not use the word "wasting time," but to try and
22 get on with the job and get the second legal assistant so we can work and get the trial
23 underway and proceed with an expeditious trial as guaranteed in the rights of
24 Mr Ntaganda.

25 Thank you, Mr President.

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 PRESIDING JUDGE FREMR: Thank you.

2 So it seems to me, at the moment, there are no further questions from the part of

3 Judges, so I would like to ask parties whether -- are there any further issues, requests

4 or questions from the floor?

5 Registry?

6 MR DUBUISSON: (Interpretation) No, your Honour. The only thing that I can

7 add, with your leave, is that this is an experience that we have -- all of us have in the

8 Court. You have assistants as Judges, but you may be presented with a new

9 assistant who is not recruited under the same circumstances; for example, you may

10 have somebody recruited -- recruited on GTA. We have a budget for legal aid, and

11 the States Parties asked us to be very rigorous in the management of this budget and

12 we have very particular rules governing the members of staff.

13 As soon as a lawyer tells us, "We want to go beyond what is provided for," we on our

14 part assume responsibility to explain this to the ASP because we are making an

15 exception.

16 So what we are proposing to the Defence is that we should not have a fixed-term

17 appointment, but the equivalent of a temporary employee who is renewed in case of

18 need. This is what we go through, all of us.

19 I fully understand the concerns of the Defence. They are telling us today, "You have

20 to already agree now on an appointment right up to the end of the trial and if I don't

21 need that person, I will come back to the Registry," but today I do not believe that the

22 ASP will go and tell the Defence, "Look, you no longer need this person." They will

23 come to the Registry. So we are responsible for that.

24 Given that this is an exception to the rule, we are going to grant this position

25 exceptionally.

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 Now, if other teams received resources and possibly two legal assistants, they also
2 receive that assistance with specific conditions. It is not the usual structure
3 approved by the States Parties.

4 But we all agree, if you now tell us that we have a second legal assistant for the next
5 two or four years and "If you no longer need that person, then you come back and tell
6 us," I have no problem with that. I trust the Defence, just as I trust the OTP. We
7 work in a professional manner, but we cannot legitimately delegate that responsibility
8 to the Defence. That is the position.

9 PRESIDING JUDGE FREMR: Thank you.

10 Mr Bourgon, your closing statement.

11 MR BOURGON: Very quickly, Mr President.

12 First let me begin by one observation that which was brought to my attention by my
13 case manager, because we worked on this preparing this status conference this
14 afternoon.

15 Over the past three days, I have conducted a number of interviews and reviewed
16 applications for the post of legal assistant on the team. We have drawn a short list of
17 six candidates who were interviewed. All six candidates on the short list presently
18 have an employment, and this employment, they are reluctant to let go of their
19 present employment in order to join a situation of uncertainty. This is the first
20 observation.

21 The second observation is the need for a second legal assistant during trial, unless
22 something changes to bring the level of work down, is already identified.

23 My colleagues are saying a year from now we will assess, it will still be required, but
24 it already is identified that unless the level of work goes down by a certain event, the
25 level of what is needed is already identified. So what we are trying to avoid is

Ex Parte Status Conference
(Defence and Registry only)

(Closed Session)

ICC-01/04-02/06

1 having a year from now to justify the second position again when it is already
2 justified today and it has been justified in other cases.
3 Then again, as mentioned, should something take place where the need goes down
4 because there is an exceptional event, then, of course, all members of the Defence
5 team accept the fact that they may either lose their employment completely or they
6 may very well, for example, have no work for a period of time. Imagine if
7 something happens where the trial itself aborts for some reason, we're all out of work.
8 But that we accept, that's part of the legal profession.
9 Thank you, Mr President.

10 PRESIDING JUDGE FREMR: Thank you. So I think it concludes our status
11 conference.

12 I just can confirm that we are aware of the urgency of the issue and we will do our
13 best to issue a decision on this matter as soon as possible. Otherwise, thank you all
14 for your active input and I wish you a good rest of the evening.

15 THE COURT USHER: All rise.

16 (The status conference ends in closed session at 4.44 p.m.)

17 RECLASSIFICATION REPORT

18 Pursuant to Trial Chamber VI's Decision ICC-01/04-02/06-389, dated 29 October 2014,
19 this transcript with its redaction is reclassified as Public.