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

Date: 28 March 2018

**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  
with Confidential Annex A**

**Prosecution's recommendations on the reclassification of items admitted  
into evidence through the Defence bar table motion**

**Source:** Office of the Prosecutor

**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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**The Office of Public Counsel for the  
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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section Other**

## Prosecution's Submissions

1. On 31 January 2018 and on 21 and 22 February 2018, Trial Chamber VI ("Chamber") directed the Parties and participants to coordinate with each other and the Registry, as appropriate, to indicate, by 29 March 2018, whether any items admitted through the Defence bar table motion could be reclassified as 'public', with or without redactions, and to provide reasons for any admitted items to remain confidential.<sup>1</sup>
2. The Prosecution consulted with the Legal Representative for Victims of the Attacks with regard to documents related to dual status witnesses.
3. The Prosecution has annexed to this filing a list of items classified as 'confidential' that were admitted into evidence through the Defence bar table motion. The Prosecution has indicated its recommendation on the classification of each item, either to remain confidential or to be reclassified as 'public', and a rationale for this recommendation. Where the Prosecution has recommended an item be reclassified to 'public', it has also indicated whether this is with or without redactions.<sup>2</sup> Should the Chamber decide to reclassify evidence with redactions, the Prosecution will propose redactions for the Chamber's consideration at that time.

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<sup>1</sup> ICC-01/04-02/06-2201-Conf., para. 66, ICC-01/04-02/06-2240, para. 12 and ICC-01/04-02/06-2241, para. 10.

<sup>2</sup> The metadata for all items of evidence should remain confidential regardless of this classification.

## Confidentiality

4. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the annex to this document is classified as confidential because it contains identifying information about protected witnesses and refers to confidential evidence.



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**Fatou Bensouda**  
**Prosecutor**

Dated this 28<sup>th</sup> day of March 2018  
At The Hague, The Netherlands