

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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:

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**Unrepresented Applicants for
Participation/Reparation**

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Amicus Curiae

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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.¹
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.² Should the Chamber decide to reclassify evidence with redactions, the Prosecution will propose redactions for the Chamber's consideration at that time.

¹ 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.

² 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.



Fatou Bensouda
Prosecutor

Dated this 28th day of March 2018
At The Hague, The Netherlands