

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **29 May 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

**Defence submission on the confidentiality level of items DRC-D18-0001-5683,
DRC-D18-0001-5748 and DRC-D18-0001-5778**

Source: Defence for Mr Bosco Ntaganda

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
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Legal Representatives of the Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of the 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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Further to Trial Chamber VI's ("Chamber") "Decision on Defence request for admission of three items used during the testimony of the accused",¹ Counsel representing Mr Ntaganda ("Defence") hereby submit this:

**Defence submission on the confidentiality level of items DRC-D18-0001-5683,
DRC-D18-0001-5748 and DRC-D18-0001-5778**

"Defence Submission"

INTRODUCTION

1. On 16 March 2018, the presentation of evidence was closed.²
2. On 14 May 2018, the Defence requested the admission into evidence of items used during the testimony of Mr Ntaganda (DRC-D18-0001-5683, DRC-D18-0001-5748 and DRC-D18-0001-5778) which had not been tendered into evidence due to an oversight.³
3. On 21 May 2018, the Prosecution filed its response, not opposing the Defence Request.⁴
4. On 22 May 2018, the Chamber granted the Defence Request and directed the Defence, in coordination with the Prosecution, to file, within one week of notification of the Decision, submissions on the appropriate confidentiality level for the items admitted by way of the Decision.

¹ Decision on the Defence request for admission of three items used during the testimony of the accused, 22 May 2018, ICC-01/04-02/06-2288 ("Decision").

² Decision closing the presentation of evidence and providing further directions, 16 March 2018, ICC-01/04-02/06-2259.

³ Request on behalf of Mr Ntaganda seeking admission in evidence of three items used during the testimony of Witness D-0300, 14 May 2018, ICC-01/04-02/06-2284 ("Defence Request").

⁴ Prosecution's response to the "Request on behalf of Mr Ntaganda seeking admission in evidence of three items used during the testimony of Witness D-0300", ICC-01/04-02/06-2284, 21 May 2018, ICC-01/04-02/06-2286.

SUBMISSIONS

Confidentiality level of items DRC-D18-0001-5683, DRC-D18-0001-5748 and DRC-D18-0001-5778

5. As the original logbooks (*i.e* DRC-OTP-0017-0033 and its original French translation DRC-OTP-0171-0926; and DRC-OTP-0017-0003 and its original French translation DRC-OTP-2055-0050) have been reclassified as public further to the Chamber's 8 January 2018 "Decision on the reclassification of items admitted into evidence",⁵ the Defence submits that the classification of the three items admitted into evidence should follow the same.

RESPECTFULLY SUBMITTED ON THIS 29th DAY OF MAY 2018



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

⁵ Decision on the reclassification of items admitted into evidence, 8 January 2018, ICC-01/04-02/06-2176.