

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/04-02/06
Date: 30 September 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
with Confidential Annexes 1-4**

**Prosecution's submission on the issuance of Public Redacted Versions of the
'underlying filings' related to the witness interference litigation, as ordered by
Trial Chamber VI under ICC-01/04-02/06-785-Red**

Source: The 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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Luc Boutin

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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Prosecution's Submissions

1. Pursuant to Trial Chamber VI's order that the Parties "prepare public redacted versions of their underlying filings" concerning the witness interference litigation ("Order"),¹ the Prosecution prepared proposed public redacted versions ("PRVs") of the 11 filings identified by this Chamber.
2. In accordance with the Order, the Prosecution implemented redactions, "mindful of the information kept confidential by the Chamber"² and provided Defence Counsel with the opportunity to consult on the redactions, communicating the 11 PRVs *via* email to members of the Defence team on 25 September 2015.³
3. On 30 September 2015, the Defence informed the Prosecution that it had been unable to review all the Prosecution's proposed PRVs or prepare public redacted versions of its own filings. It further stated its intention to request an extension of the time-limit for the filing of these public redacted versions. On the same day, the Defence provided the Prosecution with a courtesy copy of its request.
4. The Defence, however, advised that it agreed with the proposed PRVs of Prosecution filings numbers 727, 735, 775 and 780. The Prosecution therefore submits these PRVs to the Chamber, on a confidential basis, pending the Chamber's final determinations on the PRVs.

¹ ICC-01/04-02/06-785-Red, para. 71 (refers to filings delineated earlier in the same decision at paras. 1-22). This Chamber pinpointed these filings as the following 11 items: ICC-01/04-02/06-349-Conf-Exp; ICC-01/04-02/06-368-Conf; ICC-01/04-02/06-371-Conf-Exp; ICC-01/04-02/06-635-Conf-Exp; ICC-01/04-02/06-724-Conf-Exp; ICC-01/04-02/06-725-Conf-Exp; ICC-01/04-02/06-727-Conf-Exp; ICC-01/04-02/06-735-Conf-Exp; ICC-01/04-02/06-738-Conf-Exp; ICC-01/04-02/06-775-Conf-Exp; and, ICC-01/04-02/06-780-Conf-Exp.

² ICC-01/04-02/06-785-Red, para. 71.

³ This email was sent on 25 September 2015 at 09:11, with the 11 PDF attachments of the proposed redacted filings and a request for Defence Counsel comments, if any.

5. The Prosecution and the Defence have further agreed to meet next week with a view to discussing the proposed redacted versions of the remaining Prosecution filings, namely filing numbers 349, 368, 371, 635, 724, 725 and 738. The Prosecution will submit the joint PRVs, or any areas of disagreement, by 9 October 2015.
6. Accordingly, the Prosecution submits the proposed PRVs of 4 filings in Confidential Annexes 1-4.⁴

Confidentiality

7. This submission is classified as “Public, with Confidential Annexes” pursuant to regulation 23bis(1) and (2) of the Regulations of the Court as it refers to information provided in filings of the same classification.
8. Annexes 1-4 are submitted as Confidential pending the Chamber’s final determinations on the PRVs.

Request

9. Based on the foregoing, the Prosecution requests that the Chamber approve the filings contained in Annexes 1-4 as public redacted versions.



Fatou Bensouda,
Prosecutor

Dated this 30th day of September 2015
At The Hague, The Netherlands

⁴ ICC-01/04-02/06-785-Red, para. 71.