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No.: ICC-01/04-02/06
Date: 22 January 2016

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**

**Public redacted version of "Prosecution submission of the joint proposal for a lesser redacted version of transcript ICC-01/04-02/06-T-47-Red", 19 January 2016,
ICC-01/04-02/06-1089-Conf**

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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Introduction

1. On 23 December 2015, Trial Chamber VI (“Chamber”) instructed the Office of the Prosecutor (“Prosecution”) and the Defence to liaise with a view to proposing a lesser redacted version of a transcript of the testimony¹ of Witness P-0010 (“Order”).²
2. Attached to this filing as Annex A is a joint proposal of a lesser redacted version of this transcript. It is proposed that those redactions that appear in yellow highlighting should remain and those that appear in green highlighting should be lifted. [REDACTED].
3. The Parties and the Legal Representative of the Former Child Soldiers (“LR”) agree on the redactions that should remain and which should be lifted, with the exception of two areas of disagreement which are set out below.

Procedural History

4. On 11 January 2016, the Prosecution provided the Defence with a proposed lesser redacted version of the transcript via email together with an explanation.³
5. On 12 January 2016, the Prosecution forwarded to the LR the proposed lesser-redacted version of the transcript with an explanatory email, seeking her

¹ ICC-01/04-02/06-T-47-Red-ENG. The redacted version of the French transcript is not yet available. The Prosecution proposes to lift the corresponding redactions once it is available.

² ICC-01/04-02/06-1070-Conf, para.18 and p. 13.

³ Prosecution email sent to Defence Counsel on 11 January 2016 at 17:43, with a PDF attachment proposing the redactions to be lifted.

views.⁴ The LR sent her comments to the Prosecution the following day with her proposal to maintain certain additional redactions.⁵

6. On 18 January 2016, the Prosecution requested an extension of the time from the Chamber, until 19 January 2016, to file the joint proposal of a lesser redacted transcript.⁶ The Chamber granted this request.⁷
7. Between 15 and 19 January 2016, the Prosecution, Defence and LR exchanged their views on a proposed lesser redacted transcript.

Confidentiality

8. This submission is classified as “Confidential, with a Confidential Annex” pursuant to regulation 23*bis* (2) of the Regulations of the Court because [REDACTED] the annex provides identifying information about a witness. The Prosecution will file a public redacted version.

Areas of disagreement on proposed lesser redacted version

9. There are two discrete sections of the transcript where the Parties disagree on which redactions should be maintained and which should be lifted. The first section begins on [REDACTED] and extends to [REDACTED]. The Prosecution and LR propose maintaining this redaction as it may identify Witness P-0010 on the basis that [REDACTED]. The Defence propose lifting this redaction [REDACTED] on the basis that this discrete redaction would be sufficient to minimise, if not eliminate, the risk of revealing Witness P-0010’s identity.

⁴ Prosecution email sent to the LR on 12 January 2016 at 12:18.

⁵ LR email sent to the Prosecution on 13 January 2016 at 16:36.

⁶ Prosecution email sent to the Chamber on 18 January 2016 at 13:04.

⁷ Email from the Trial Chamber VI to the Parties and Participants on 18 January 2016 at 13:16.

10. The second section for which there is disagreement begins on [REDACTED] and extends to [REDACTED]. Once again, the Prosecution and LR propose maintaining the redaction to the entire section as it may reveal Witness P-0010's identity for the reasons set out above. The Defence propose lifting the redaction [REDACTED].

Request for [REDACTED]

11. During the testimony of Witness P-0010, the Prosecution requested a redaction to information on [REDACTED] of the English transcript on the basis that it reveals the identity of the witness.⁸ [REDACTED]. The Prosecution therefore requests that the Chamber [REDACTED]. The Prosecution proposes that the information currently redacted on [REDACTED] of the transcript be lifted. Both the Defence and the LR agree with the Prosecution request.
12. Further, the Parties and LR seek to lift the redactions on [REDACTED] with the exception of the two locations referred to therein, on the basis that these locations may be identifying. These same two locations are referred to on [REDACTED] on the basis that they may be identifying. Both of these locations are currently redacted on [REDACTED] of the redacted version of the transcript (and the Parties and LR seek to maintain these redactions), [REDACTED].

⁸ Prosecution email sent to Registry Court Officer on [REDACTED] with the text (and line reference number) for which it sought a redaction. On [REDACTED], the Registry Court Officer confirmed to the Prosecution by email that the redaction sought had been implemented. [REDACTED].

Conclusion and Relief

13. Pursuant to the Chamber's Order, the Prosecution submits a proposed lesser redacted version of a transcript of Witness P-0010's testimony, identifying the two sections upon which the Parties and the LR were unable to reach an agreement.

14. [REDACTED].



Fatou Bensouda, Prosecutor

Dated this 22nd day of January 2016
At The Hague, the Netherlands