

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 31 October 2017

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

**Observations of the Common Legal Representative of the Victims of the Attacks
regarding the reclassification of certain documents admitted into evidence**

Source: Office of Public Counsel for Victims (CLR2)

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 Christopher Gosnell

Legal Representatives of the Victims

Ms Sarah Pellet
Ms Vony Rambolamanana

Legal Representatives of the Applicants

Mr Dmytro Suprun
Ms Anne Grabowski

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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. On 22 August 2017, the Chamber directed the parties and participants to *“coordinate with each other and the Registry, as appropriate, review the case record and indicate, by 31 October 2017, any items that can be reclassified as ‘public’, with or without redactions, and to provide reasons for any admitted items to remain confidential”*.¹

2. The Chamber further indicated that, in the interest of publicity of the proceedings, it intended to reclassify the evidence admitted into the record from ‘confidential’ to ‘public’ to the extent possible.²

II. SUBMISSIONS

3. The Common Legal Representative of the Victims of the Attacks (the “Legal Representative”) has consulted with the Office of the Prosecutor and agreed on the classification status of material admitted through dual-status victim-witnesses he represents as participants in the proceedings. The Prosecution will present submissions on the matter. Accordingly, the Legal Representative does not intend, at this stage, to provide any separate observations as regards the classification of material admitted through these dual-status witnesses.

4. As regards exhibits admitted through Witness V1 who was authorised to present evidence, the Legal Representative has reviewed their current classification and requests that DRC-PCV-0001-0086 and DRC-PCV-0001-0126 be reclassified as public.

5. As regards DRC-PCV-0001-0093, the Legal Representative submits that a public redacted version of this document could be prepared; the document in its

¹ See Email communication from the Chamber to the parties and participants of 22 August 2017 at 12:52.

² *Idem*.

current form should not be reclassified as 'public', as it contains identifying information of a protected victim-witness.

6. Likewise, DRC-PCV-0001-0105 and DRC-PCV-0001-0127 should not be reclassified as 'public' as they respectively contain identifying information of a protected victim-witness. Further redacted versions may, however, be prepared.

7. As regards DRC-PCV-0001-0079, the Legal Representative notes that this photograph exposes parts of the protected victim-witness's body and clothing and could thus lead to identification of the person. It is not, as such, feasible to prepare a redacted version of the exhibit. He therefore requests that the current classification as 'confidential' be maintained.

8. It is finally submitted that photographs DRC-PCV-0001-0089 and DRC-PCV-0001-0092 should equally not be reclassified as 'public', as they depict parts of the protected victim-witness's residence and their publication could lead to his identification. It is not feasible to produce redacted versions of these exhibits. The Legal Representative therefore requests that the current classification as 'confidential' be maintained.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Dmytro Suprun', followed by a period.

Dmytro Suprun
Common Legal Representative of the Victims of the Attacks

Dated this 31st Day of October 2017

At The Hague, The Netherlands