

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **16 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

**Decision on Second Prosecution request for presentation of evidence in rebuttal
and related requests**

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 Bosco Ntaganda

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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**

Mr Philipp Ambach

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda* ('Ntaganda case'), having regard to Articles 64 and 69 of the Rome Statute ('Statute') and Regulation 24 of the Regulations of the Court ('Regulations'), renders the following 'Decision on Second Prosecution request for presentation of evidence in rebuttal and related requests'.

I. Procedural history and submissions

1. On 22 February 2018, further to a request by the defence team for Mr Ntaganda ('Defence'),¹ the Chamber admitted into evidence a document ('2017 Memo') containing responses to questions raised by the Defence in relation to the work of the Victims Participation and Reparations Section ('VPRS').² In this context, noting that the document 'provides insight into the activities and methods of the VPRS, which is potentially relevant for the credibility of certain witnesses', the Chamber found that it is *prima facie* relevant. Further, having been provided with proof of transmission, which was lacking in the original application, the Chamber found that the document's reliability had been sufficiently established ('Reconsideration Decision').³
2. On 2 March 2018, in accordance with the deadline set by the Chamber,⁴ the Office of the Prosecutor ('Prosecution') filed its second request for presentation of evidence in rebuttal ('Second Rebuttal Request').⁵ The Prosecution requests

¹ Request on behalf of Mr Ntaganda seeking partial reconsideration of the Chamber's 'Decision on Defence request for admission of evidence from the bar table', 14 February 2018, ICC-01/04-02/06-2226-Conf.

² DRC-D18-0001-5887.

³ Decision on Defence request seeking partial reconsideration of the 'Decision on Defence request for admission of evidence from the bar table', ICC-01/04-02/06-2241, para. 9. *See also*, Annex A to Request on behalf of Mr Ntaganda seeking partial reconsideration of the Chamber's 'Decision on Defence request for admission of evidence from the bar table', ICC-01/04-02/06-2226-Conf-AnxA.

⁴ *See* Order providing directions related to the closure of the presentation of evidence, 22 December 2017, ICC-01/04-02/06-2166, para. 16. The Chamber directed the Prosecution to 'to file a preliminary request for the presentation of rebuttal evidence by 11 January 2018, to be complemented within one week after the close of the Defence's presentation of evidence, if necessary'. *See also* Notice on behalf of Mr Bosco Ntaganda concerning the end of the presentation of evidence by the Defence, 23 February 2018, ICC-01/04-02/06-2243.

⁵ Second Prosecution request for presentation of evidence in rebuttal, ICC-01/04-02/06-2249-Conf with confidential Annexes A and B, ICC-01/04-02/06-2249-Conf-AnxA and ICC-01/04-02/06-2249-Conf-AnxB.

admission of a memorandum by the Chief of the VPRS ('2018 Memo')⁶ to rebut the assertions contained in the 2017 Memo,⁷ which, in the view of the Defence, is relevant to the credibility of several dual-status witnesses in the *Ntaganda* case as it indicates that victim participation forms are read back to the victims prior to their signature, contrary to the statements of a number of Prosecution witnesses in this respect.⁸

3. The Prosecution avers that the 2018 Memo provides information about the applicability of the 2017 Memo to the 19 dual-status witnesses who testified in this case. In particular, it confirms that VPRS staff assisted only one of them, and that the VPRS is not in a position to confirm whether the content of the victim application forms was read back to the other 18 dual-status witnesses prior to signature as VPRS staff was not present during these interviews, or whether this occurred with the one victim it directly assisted, although it 'assumed' this was done.⁹ The Prosecution submits that the admission of the 2017 Memo is an issue that has arisen *ex improviso* during the Defence's presentation of evidence and was not foreseeable through the exercise of reasonable diligence,¹⁰ arguing that the fact that the Defence questioned certain dual-status witnesses on the process of completing their victim application forms did not put the Prosecution in a position to anticipate the admission of the 2017 Memo.¹¹

⁶ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 1-3 and 21. *See also* Annex A to Second Rebuttal Request, ICC-01/04-02/06-2249-Conf-AnxA.

⁷ DRC-D18-0001-5887.

⁸ Defence request for the admission of evidence from the bar table, 23 November 2017, ICC-01/04-02/06-2128-Conf, para. 32 and confidential Annex A, ICC-01/04-02/06-2128-Conf-AnxA, pages 75 and 76.

⁹ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 3 and 33. *See also* Annex A to Second Rebuttal Request, ICC-01/04-02/06-2249-Conf-AnxA, page 2 and footnote 2.

¹⁰ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 5, 22-27.

¹¹ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, para. 24.

4. The Prosecution further avers that the 2018 Memo satisfies the admissibility criteria as it contains sufficient indicia of reliability,¹² and is of significant probative value since it is potentially relevant for the determination of the credibility of several witnesses.¹³ Further, the Prosecution argues that the admission of the 2018 Memo would not be unduly prejudicial to, or undermine, the rights of the accused as the requested rebuttal evidence is limited in scope and would not cause any undue delay to the proceedings.¹⁴ It also avers that granting the Second Rebuttal Request would be in the interests of justice as it can remedy the ‘misleading assertions’ concerning the process of filling in victim application forms for the dual-status witnesses who gave evidence in the *Ntaganda* case.¹⁵
5. Lastly, the Prosecution submits that, in the alternative, the Chamber may admit the 2018 Memo pursuant to Articles 64(6)(d) and/or 69(3) of the Statute (‘Prosecution Alternative Request’).¹⁶
6. On 7 March 2018, in line with the deadline set by the Chamber,¹⁷ the Legal Representatives of the Victims of the Attacks and the Former Child Soldiers (‘LRVs’) filed a joint response to the Second Rebuttal Request (‘LRV Response’).¹⁸ The LRVs support the Second Rebuttal Request or the Prosecution Alternative Request, arguing that the 2018 Memo and the relevant email from the Prosecution to the VPRS¹⁹ should be admitted into evidence, either as rebuttal evidence, or, alternatively, pursuant to the Chamber’s

¹² Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 4 and 28.

¹³ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 4, 35 and 37.

¹⁴ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 6, 38-40.

¹⁵ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 41-43.

¹⁶ Second Rebuttal Request, ICC-01/04-02/06-2249-Conf, paras 8 and 44.

¹⁷ Email from the Chamber to the parties and participants on 5 March 2018, at 11:27.

¹⁸ Joint Response by the Common Legal Representatives of Victims to the “Second Prosecution request for presentation of evidence in rebuttal”, ICC-01/04-02/06-2251-Conf.

¹⁹ See Annex B to Second Rebuttal Request, ICC-01/04-02/06-2249-Conf-AnxB.

discretion under Article 69(3) and (4) of the Statute.²⁰ In the view of the LRVs, the admission of these documents is warranted and necessary for the establishment of the truth as the documents are ‘highly relevant’ in relation to the actual practices regarding the completion of application forms by all victims participating in the *Ntaganda* case.²¹ The LRVs also submit that the 2018 Memo meets the required criteria for admission,²² and is necessary for the Chamber to have a clear and fair overview of the activities and methods of the VPRS.²³ Lastly, the LRVs aver that the 2017 Memo not only provides an ‘inaccurate picture’ of the circumstances in which the 19 dual-status witnesses filled in their forms, but also ‘potentially misrepresents’ the circumstances in which other participating victims completed their application forms.²⁴

7. On 9 March 2018, after having been granted an extension of time,²⁵ the Defence responded to the Second Rebuttal Request, opposing it (‘Defence Response’).²⁶ The Defence argues that the request should be rejected as the evidence the Prosecution seeks to rebut is not related to an issue which arose directly *ex improviso* during the Defence’s presentation of evidence, and, in any event, was foreseeable through the exercise of reasonable diligence.²⁷ The Defence notes that, during the cross-examination of dual-status witnesses, it repeatedly posed specific questions regarding their victim application forms and, on one occasion, it specifically referred to the contents of the 2017 Memo.²⁸ Therefore, the Defence avers that the Prosecution was aware of the issue raised by it regarding the reading back of forms to victim applicants before signing, and

²⁰ LRV Response, ICC-01/04-02/06-2251-Conf, paras 2, 27.

²¹ LRV Response, ICC-01/04-02/06-2251-Conf, paras 3-4, 24-25.

²² LRV Response, ICC-01/04-02/06-2251-Conf, paras 18-20.

²³ LRV Response, ICC-01/04-02/06-2251-Conf, para. 21.

²⁴ LRV Response, ICC-01/04-02/06-2251-Conf, para. 22.

²⁵ Email from the Chamber to the parties and participants on 7 March 2018, at 11:30.

²⁶ Response on behalf of Mr Ntaganda to Second Prosecution request for presentation of evidence in rebuttal, ICC-01/04-02/06-2254-Conf.

²⁷ Defence Response, ICC-01/04-02/06-2254-Conf, paras 1, 24-34.

²⁸ Defence Response, ICC-01/04-02/06-2254-Conf, paras 24-27.

the Defence strategy to undermine the credibility of dual-status witnesses on the basis of their victims application forms and the 2017 Memo, which had also been provided to the Prosecution before the end of its case-in-chief.²⁹

8. Further, the Defence submits that neither the 2018 Memo, in and of itself, nor the matters addressed therein constitute issues central to the determination of the guilt or innocence of the accused.³⁰ It also argues that the 2018 Memo does not satisfy the criteria for admission as rebuttal evidence as the errors regarding some of the victim numbers contained in the Prosecution's correspondence with the VPRS³¹ affect the reliability of the 2018 Memo.³² It submits that in light of the absence of certain details from the 2018 Memo which prompted the Defence to seek further information from the VPRS, the probative value of the 2018 Memo does not reach the required threshold for admission as rebuttal evidence.³³ The Defence also avers that the probative value of the proposed rebuttal evidence is substantially outweighed by the potential prejudice to the accused.³⁴ In the view of the Defence, the Prosecution could and should have adduced the 2018 Memo during the presentation of its case-in-chief, while admitting it at this time, considering its low probative value, would impede on the right of the accused to a fair and expeditious trial.³⁵
9. Lastly, the Defence requests admission pursuant to Articles 64 and 69 of the Statute of the 2018 Memo and the corresponding email from the Prosecution to the VPRS, as well as the Defence correspondence with the VPRS between 6

²⁹ Defence Response, ICC-01/04-02/06-2254-Conf, paras 30-31.

³⁰ Defence Response, ICC-01/04-02/06-2254-Conf, paras 35-40.

³¹ See Annex B to Second Rebuttal Request, ICC-01/04-02/06-2249-Conf-AnxB.

³² Defence Response, ICC-01/04-02/06-2254-Conf, paras 42-45.

³³ Defence Response, ICC-01/04-02/06-2254-Conf, paras 46-63.

³⁴ Defence Response, ICC-01/04-02/06-2254-Conf, paras 64-66.

³⁵ Defence Response, ICC-01/04-02/06-2254-Conf, paras 65-66.

and 9 March 2018 referred to in the annexes A to D to the Defence Response (collectively 'Further Material') ('Defence Request').³⁶

10. On 14 March 2018, in line with the time limit set by the Chamber,³⁷ the Prosecution responded to the Defence Response, opposing it, and requested leave to reply to one issue raised therein ('Prosecution Request for Leave to Reply').³⁸ In the view of the Prosecution, the Defence Request is in fact a request for rejoinder, given that the information the Defence seeks to admit undermines the proposed rebuttal evidence.³⁹ In this respect, the Prosecution submits that the Further Material does not satisfy the requirements for the admission of evidence in rejoinder.⁴⁰
11. Also on 14 March 2018, the LRVs filed a joint response to the Defence Request ('LRV Response to Defence Request').⁴¹ The LRVs submit that the Defence Request should be dismissed since: (i) it was filed 17 minutes after the deadline set by the Chamber; (ii) it is based on material which is not yet part of the case-record; (iii) the Defence should not be authorised, at this stage of the proceedings and in the context of its response to the Second Rebuttal Request, to request admission of any new material;⁴² (iv) the Further Material lacks relevance and probative value; and (v) at this stage, in the absence of the Chamber's decision on the Second Rebuttal Request, the request is premature.⁴³

³⁶ Defence Response, ICC-01/04-02/06-2254-Conf, paras 68-71.

³⁷ Email from the Chamber to the parties and participants on 13 March 2018, at 10:53.

³⁸ Prosecution request for leave to reply to the "Response on behalf of Mr Ntaganda to Second Prosecution request for presentation of evidence in rebuttal" (ICC-01/04-02/06-2254-Conf) and Prosecution response to new Defence request, ICC-01/04-02/06-2255-Conf.

³⁹ ICC-01/04-02/06-2255-Conf, paras 3 and 10.

⁴⁰ ICC-01/04-02/06-2255-Conf, paras 11-13.

⁴¹ Joint Response by the Common Legal Representatives of Victims to the "Response on behalf of Mr Ntaganda to Second Prosecution request for presentation of evidence in rebuttal", ICC-01/04-02/06-2256-Conf.

⁴² LRV Response to Defence Request, ICC-01/04-02/06-2256-Conf, paras 2, 19-23.

⁴³ LRV Response to Defence Request ICC-01/04-02/06-2256-Conf, paras 2, 24-26.

12. On the same day, the Defence sought leave to reply to the LRV Response to Defence Request, in particular on the timing of the filing of the Defence Response ('Defence Request for Leave to Reply').⁴⁴

II. Analysis

Preliminary matters

1. Requests for leave to reply

13. The Chamber does not consider that it would be assisted by further submissions on the issues identified by the parties, and therefore rejects the Prosecution Request for Leave to Reply and the Defence Request for Leave to Reply.

2. Timing of the Defence Request

14. At the outset, considering that the Defence Request was submitted 'in line with the principle of judicial economy, and with the aim of expediting the proceedings',⁴⁵ the Chamber is not persuaded by the Prosecution's and LRVs' submissions that the request should be rejected as premature pending a decision on the Second Rebuttal Request.

15. Further, the Chamber notes that the Defence Request was notified on 9 March 2018, on the day of the time limit set by the Chamber. The Chamber notes that, in principle and in accordance with Regulation 33(2) of the Regulations, and absent any indication that the document has been filed as 'urgent', notification of a document on the day of its submission is subject to the condition that it has been submitted by 16:00.⁴⁶ Therefore, while noting the Defence's proposal to provide information on the time stamp in the

⁴⁴ Email from the Defence to the Chamber, the Prosecution, and the LRVs on 14 March 2018, at 16:54.

⁴⁵ Defence Response, ICC-01/04-02/06-2254-Conf, para. 71.

⁴⁶ Regulation 33(2) of the Regulations.

notification email,⁴⁷ the Chamber also notes that, as stated above, it did not consider that it required any submissions on this matter and finds the Defence Request as having been filed in accordance with the time limit set by the Chamber. In this context, in the interest of efficiency, the Chamber encourages the parties and participants to refrain from making submissions on procedural matters of remote relevance to the issue at stake and that can adequately be addressed by the Chamber itself without unnecessary litigation on collateral matters.⁴⁸

Second Rebuttal Request, Prosecution Alternative Request, and Defence Request

16. The Chamber incorporates by reference the applicable law as set out in its previous decision on the presentation of evidence in rebuttal ('First Rebuttal Decision').⁴⁹
17. In particular, as held by other chambers of the Court, the Chamber considers that it enjoys wide discretion when seised with a rebuttal request,⁵⁰ and recalls that 'calling rebuttal evidence is likely to be an exceptional event'.⁵¹
18. The Chamber will turn now to the matter as to whether an issue of significance that the Prosecution seeks to rebut has arisen *ex improviso* during the presentation of evidence by the Defence. In this regard, the Chamber notes that the 2018 Memo includes information on specific aspects of the victim application process in the present case, in particular in relation to the issue of whether forms were read back to dual-status witnesses before they signed

⁴⁷ Email from the Defence to the Chamber, the Prosecution, and the LRVs on 14 March 2018, at 16:54.

⁴⁸ See, in this regard, LRV Response to Defence Request, ICC-01/04-02/06-2256-Conf, paras 2 and 20.

⁴⁹ Decision on Prosecution request for presentation of evidence in rebuttal (ICC-01/04-02/06-2197-Conf) and related filings, 26 February 2018, ICC-01/04-02/06-2246, paras 19 and 20 and the footnotes contained therein.

⁵⁰ *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the Prosecution's Application to Admit Rebuttal Evidence from Witness DRC-OTP-WWWW-0005, 21 April 2011, ICC-01/04-01/06-2727-Conf, paras 42 and 43; *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on 'Prosecution's Application to Submit Additional Evidence', 2 April 2014, ICC-01/05-01/08-3029, paras 24-25 and the footnotes contained therein.

⁵¹ *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the Prosecution's Application to Admit Rebuttal Evidence from Witness DRC-OTP-WWWW-0005, 21 April 2011, ICC-01/04-01/06-2727-Conf, para. 43.

them.⁵² While the Chamber acknowledges that, read together with the 2017 Memo and the relevant evidence already heard by the Chamber, the VPRS 2018 Memo provides information of potential relevance to the credibility of certain Prosecution witnesses, the Chamber considers that the proposed rebuttal evidence is of limited significance.

19. Also, the Chamber notes that while the 2017 Memo was admitted as part of the presentation of evidence by the Defence and thus arose out of the Defence case, on several occasions during the Prosecution's presentation of evidence, the Defence raised with a number of dual-status witnesses, during cross-examination, whether their respective victim participation forms had been read back to them before signature.⁵³ In addition, while cross-examining Witness P-0883, the Defence directly referred to the information contained in the 2017 Memo and the issue of the VPRS victims application process, arguing, *inter alia*, that it is possible that 'several people explain inconsistencies between the VPRS form and their testimony with [the Prosecution], because these forms were not reread back to them'.⁵⁴ In this regard, the practice of the VPRS staff, or its intermediaries in the field, was thus already raised and discussed during the presentation of evidence by the Prosecution. Therefore, the Chamber considers that the issue the Prosecution seeks to rebut has been alluded to during its case-in-chief and, thus, did not arise *ex improviso* during the Defence's presentation of evidence.

20. In view of the above, the Chamber finds that the tendered evidence does not relate to an issue of significance that arose *ex improviso* during the Defence's presentation of evidence, and therefore does not meet the required standard to

⁵² See Annex A ICC-01/04-02/06-2249-Conf-AnxA and Annex B ICC-01/04-02/06-2249-Conf-AnxB, which includes the questions put by the Prosecution to the VRPS.

⁵³ See, *inter alia*, transcript of hearing on 30 November 2016, ICC-01/04-02/06-T-168-Conf-Eng, page 70, lines 8 to 16; transcript of hearing on 20 April 2016, ICC-01/04-02/06-T-86-Conf-Eng, page 9, lines 11 to 16; transcript of hearing on 16 September 2015, ICC-01/04-02/06-T-26-Conf-Eng, page 50, line 4 to page 51, line 1.

⁵⁴ Transcript of hearing on 1 December 2016, ICC-01/04-02/06-T-169-Conf-Eng, page 23, lines 19 to 23; see also, page 22, line 6 to page 25, line 17.

be considered as evidence in rebuttal. The Chamber therefore rejects the Second Rebuttal Request.

21. Having found that the 2018 Memo does not meet the required standard for admission as rebuttal evidence, the Chamber notes further that: (i) the Prosecution alternatively seeks its admission under Articles 64(6)(d) and/or 69(3) of the Statute; (ii) the LRVs request that the Chamber admits it under Articles 69(3) and (4) of the Statute; and (iii) the Defence requests the Chamber to admit the 2018 Memo and the Further Material under Articles 64 and 69 of the Statute. Under these circumstances, and in view of the specific nature and content of the tendered evidence, the Chamber will consider the requests for admission of the abovementioned items under Articles 64 and 69 of the Statute.
22. In this regard, the Chamber notes at the outset that, having determined that the 2018 Memo is not admissible as evidence in rebuttal, it considers that the Prosecution's submissions to the effect that the Defence Request should be rejected on the basis that the criteria for admission of evidence in rejoinder are not met, are not relevant to the Chamber's determination.
23. The Chamber notes that the 2018 Memo and the Further Material concern specific aspects of the process of filling in victim application forms, with particular focus on the applicability of this procedure to dual-status witnesses who testified in the present case. The information contained in the documents tendered by the parties emanates from the same source, the VPRS, which also produced the 2017 Memo, admitted through the Reconsideration Decision, and aims at clarifying and further contextualising the information included in this specific document which is already on the record.
24. The Chamber considers that the 2018 Memo is relevant and, noting that it emanates from the VPRS, is reliable and has sufficient probative value.

Furthermore, it is connected to the 2017 Memo, as it clarifies certain aspects contained therein. The Chamber further notes that the LRVs support the Prosecution Alternative Request and that the Defence does not object to it, on the condition that the Further Material is also admitted into evidence.

25. The Further Material the Defence seeks to admit consists of four documents, Annexes B and D being the VPRS answers to questions put by the Defence, on 6 and 8 March 2018, respectively, in Annexes A and C. The information contained in Annexes B and D emanates from the VPRS, which provided further details concerning the standard procedure applied and the training of VPRS intermediaries in the field involved in the collection of victim application forms and it is therefore sufficiently connected and complementary to the 2017 Memo and the 2018 Memo to be admitted into evidence for the same reasons specified above.

26. In light of the above, the Chamber considers that such admission clarifies evidence already on the record, namely the 2017 Memo. Furthermore, it will contribute to a clearer and more complete overview of the victim application procedure in these proceedings, which could potentially be of assistance to the Chamber's assessment of the impact, if any, that this may have on the credibility of dual-status witnesses in the *Ntaganda* case. The Chamber is also of the view that admission of the respective correspondence of the parties with the VPRS⁵⁵ may provide further useful context to the Chamber. Under these circumstances, the Chamber admits the 2018 Memo, the Further Material, and the respective correspondence of the parties with the VPRS into evidence pursuant to Articles 64 and 69.

⁵⁵ See Annex B to the Second Rebuttal Request, ICC-01/04-02/06-2249-Conf-AnxB as well as Annexes A and C to the Defence Response, ICC-01/04-02/06-2254-Conf-AnxA and ICC-01/04-02/06-2254-Conf-AnxB.

27. Finally, having rejected the Prosecution's request for admission of the 2018 Memo as evidence in rebuttal, the Chamber finds that the Defence's reference to its right to ask for admission of evidence in rejoinder⁵⁶ does not arise in the present circumstances.⁵⁷ The Chamber will therefore proceed to declare the presentation of evidence in the *Ntaganda* case closed.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

REJECTS the Prosecution Request for Leave to Reply;

REJECTS the Defence Request for Leave to Reply;

ADMITS into evidence the following items:

- ICC-01/04-02/06-2249-Conf-AnxA
- ICC-01/04-02/06-2249-Conf-AnxB
- ICC-01/04-02/06-2254-Conf-AnxA
- ICC-01/04-02/06-2254-Conf-AnxB
- ICC-01/04-02/06-2254-Conf-AnxC
- ICC-01/04-02/06-2254-Conf-AnxD;

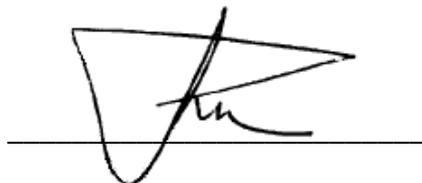
ORDERS the parties to upload on eCourt the items admitted pursuant to the present decision; and

DIRECTS the Registry to update the eCourt metadata of the aforementioned items so as to reflect their admission status and the fact that they were admitted pursuant to the present decision.

⁵⁶ Defence Response, ICC-01/04-02/06-2254-Conf, para. 73.

⁵⁷ See Decision on the conduct of proceedings, 2 June 2015, ICC-01/04-02/06-619, para. 12.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by 'remr', positioned above a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to read 'Kuniko Ozaki', positioned above a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, consisting of three distinct characters, positioned above a horizontal line.

Judge Chang-ho Chung

Dated this 16 March 2018

At The Hague, The Netherlands