

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **31 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

Decision on the reclassification of three items admitted into evidence

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 64 and 67 of the Rome Statute and Rules 15 and 137 of the Rules of Procedure and Evidence, issues the following 'Decision on the reclassification of three items admitted into evidence'.

1. On 22 May 2018, further to a request from the Defence team for Mr Ntaganda ('Defence'),¹ the Chamber admitted into evidence items DRC-D18-0001-5683, DRC-D18-0001-5748, and DRC-D18-0001-5778 ('Items'), used during the testimony of the accused, which, 'due to an oversight',² were not tendered into evidence at that time.³ The Chamber further directed the Defence to file submissions on the appropriate confidentiality level for the Items.⁴
2. On 29 May 2018, the Defence filed its submissions, noting that 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 decision of 8 January 2018 ('8 January 2018 Reclassification'),⁵ and that the classification of the Items 'should follow the same'.⁶
3. In view of the Defence's submissions, the Chamber finds it appropriate to reclassify the Items from confidential to public.
4. Further, noting that the original logbooks, reclassified as public pursuant to the 8 January 2018 Reclassification, are still marked as 'confidential' in eCourt, the Chamber directs the Registry to amend the relevant metadata accordingly.

¹ 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.

² ICC-01/04-02/06-2284, paras 2 and 20.

³ Decision on the Defence request for admission of three items used during the testimony of the accused, ICC-01/04-02/06-2288.

⁴ ICC-01/04-02/06-2288, page 6.

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

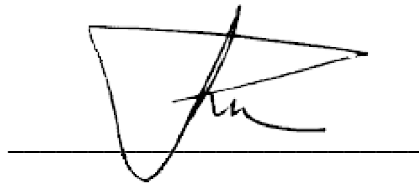
⁶ Defence submission on the confidentiality level of items DRC-D18-0001-5683, DRC-D18-0001-5748 and DRC-D18-0001-5778, ICC-01/04-02/06-2292, para. 5.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

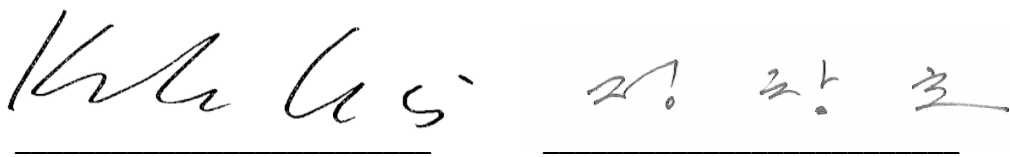
DECIDES that items DRC-D18-0001-5683, DRC-D18-0001-5748, and DRC-D18-0001-5778 shall be reclassified as public; and

DIRECTS the Registry to amend the eCourt metadata of items DRC-D18-0001-5683, DRC-D18-0001-5748, and DRC-D18-0001-5778, and related items, in accordance with the present decision and the 8 January 2018 Reclassification.

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 a cursive 'r', positioned above a horizontal line.

Judge Robert Fremr, Presiding Judge

Two handwritten signatures in black ink, positioned side-by-side above horizontal lines. The signature on the left is for Judge Kuniko Ozaki, and the signature on the right is for Judge Chang-ho Chung.

Judge Kuniko Ozaki

Judge Chang-ho Chung

Dated this 31 May 2018
At The Hague, The Netherlands