

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **6 May 2013**

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

Public Redacted Version

Prosecution's Update to its Request for Redactions to Applications for Warrants of Arrest and Request for a Variation of Protective Measures

Source: 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

Counsel for the Defence

Marc Desalliers

Legal Representatives of the Victims

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

Other

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Patrick Craig

Detention Section

Procedural Background

1. On 15 April 2013, the Single Judge ordered the Prosecution to “make available the Article 58 applications of the Office of the Prosecutor for the issuance of the two arrest warrants against Mr Ntaganda” (“the Arrest Warrant Applications”).¹ As directed by the Single Judge, the Prosecution submitted its proposed redactions on 25 April 2013.²

Confidentiality

2. Further to Regulation 23*bis* of the Regulations of the Court, the Prosecution submits the current filing as “Confidential, *ex parte*, Prosecution and VWU only” pursuant to Rule 81(4) as it contains information related to a Prosecution witness for which redactions are sought. The Prosecution will file a public redacted version of this filing.

Prosecution’s Submissions

3. Since the date of the filing, the Prosecution REDACTED and REDACTED. Witnesses REDACTED consent to disclosure of their REDACTED prior statements in the case against Bosco Ntaganda. Accordingly, the Prosecution withdraws its request for non-disclosure of the witness statements and trial testimony of these three witnesses, attached to the second arrest warrant application as annexes 4.1 to 4.3; 5.1 to 5.14; and 6.1 to 6.2, respectively.
4. REDACTED raised security concerns and did not consent REDACTED.

¹ ICC-01/04-02/06-T-3-ENG ET, page 13, lines 15 to 22.

² ICC-01/04-02/06-51-Conf-Exp.

Request

5. Based on the foregoing, the Prosecution withdraws its request for temporary non-disclosure of the annexes to the second arrest warrant application relevant to REDACTED and, pursuant to Regulation 42, seeks a variation of the protective measures imposed by Trial Chamber I during the trial testimony of these witnesses.



Fatou Bensouda, Prosecutor

Dated this 6th Day of May 2013
At The Hague, the Netherlands