

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 14 February 2014

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding 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
with Public Annexes A1, A3, A6, A8, A9, A10 and B1-B9
and Confidential – Prosecution, Defence and Legal Representatives Only
Annexes A2, A4, A5 and A7
Prosecution's Submission of its Presentation of Evidence at the Confirmation
of Charges Hearing

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

Ms Fatou Bensouda

Mr James Stewart

Ms Nicole Samson

Counsel for the Defence

Mr Marc Desalliers

Ms Caroline Buteau

Ms Andrea Valdivia

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

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

Prosecution's Submission

1. The Prosecution hereby submits its presentation of evidence at the confirmation of charges hearing held on 10-14 February 2014 pursuant to the Single Judge's "Decision on Schedule for the Confirmation of Charges Hearing" whereby she ordered that *"Each presentation should be filed in the record of the case."*¹

2. In compliance with the Single Judge's decision, the Prosecution submits in Annex A1-A10: (i) the first presentation introducing the contextual and constituent elements of the crimes and modes of liability, (ii) the presentation on the contextual elements under articles 7 and 8; (iii) the presentation on the constituent elements of the crimes of attack against a civilian population, murder and attempted murder and forcible transfer in the Banyali-Kilo *collectivité*, (iv) the presentation on the constituent elements of the crimes of attack against a civilian population, murder and attempted murder and forcible transfer in the Walendu-Djatsi *collectivité*, (v) the presentation on the constituent elements of the crimes of rape, sexual slavery and persecution, (vi) the presentation on the constituent elements of the crimes of pillaging, destruction of property and attack against protected objects, (vii) the presentation on the enlistment and conscription of children under the age of 15 and their use to participate actively in hostilities, and the rape and sexual slavery of child soldiers, (viii) the presentation on the modes of liability under articles 25(3)(a), (d) and (f); (ix) the presentation on the modes of liability under articles 25(3)(b) and 28(a) and (x) the closing statement.

¹ ICC-01/04-02/06-245, para. 9.

3. In addition, the Prosecution submits the visual aids that accompany the presentations in Annexes B1-B9.

Confidential Classification

4. The Prosecution files four annexes as Confidential – Prosecution, Defence and Legal Representatives Only, because of the confidential nature of either the footnote references in one case or references to witness accounts for which either private sessions or redactions were authorised by the Pre-Trial Chamber. The Prosecution will file the public redacted version of these annexes.



Fatou Bensouda,
Prosecutor

Dated this 14th day of February 2014
At The Hague, The Netherlands