

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 13 June 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

Prosecution's Request for Reclassification of ICC-01/04-02/06-269-Conf

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

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Legal Representatives of Victims

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

Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Prosecution's Submissions

1. As ordered by the Single Judge in the "Decision on Admissibility of Evidence and Other Procedural Matters"¹, the Prosecution has reviewed ICC-01/04-02/06-269-Conf for the purpose of re-classifying it as "Public" or re-submitting it with redactions, as necessary.
2. Pursuant to regulation 23*bis* of the Regulations of the Court ("Regulations"), the Prosecution requests that the Chamber re-classify ICC-01/04-02/06-269-Conf as "Public" while maintaining the "Confidential – Prosecution and Defence Only" classification of Annexes A1-A7.
3. Annexes A1-A7 set out a detailed description of each document being challenged by the Defence, including information that may identify the source of the confidential documents. Indeed, in some cases, the source of the documents is explicitly provided. Due to the nature of the information contained in these seven annexes, and the finding by the Single Judge that all of the Prosecution's arguments with respect to the Defence's challenges were contained in the main filing,² the Prosecution requests that Annexes A1-A7 remain classified "Confidential – Prosecution and Defence Only."

¹ ICC-01/04-02/06-308.

² *Ibid.* at para. 24.

Relief sought

4. Pursuant to regulation 23*bis*, the Prosecution requests that the Chamber reclassify the Prosecution's filing from "Confidential" to "Public", while maintaining the "Confidential" classification of Annexes A1-A7.



Fatou Bensouda,
Prosecutor

Dated this 13th day of June 2014

At The Hague, The Netherlands