

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

**Public Redacted Version
with Public Annex A**

**Public Redacted Version of
“Prosecution’s Proposed Protocol on Redactions” dated 31 October 2014**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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INTRODUCTION

1. The Prosecution submits a proposed redaction protocol (“Proposed Protocol”), pursuant to the order of Trial Chamber VI of 9 October 2014.¹
2. The Proposed Protocol is based on the “Protocol establishing a redaction regime” approved by Trial Chamber V in both the *Kenyatta* and *Ruto & Sang* cases (“Kenya Redaction Protocol”).² The Trial Chamber found this protocol appropriate for the purpose of expediting the proceedings, while remaining consistent with the rights of the Accused.³ The Kenya Redaction Protocol includes pre-approved “Standard Justification” categories for which redactions are directly applied by the parties without the need for individual approval by the Trial Chamber. Where other redactions are sought, the parties will file an application to the Chamber.
3. The Defence does not agree to seven of the proposed standard redaction categories in the Proposed Protocol, either in whole or in part. All of the seven disputed redaction categories were approved in the Kenya Redaction Protocol. The timeline for lifting redactions in three of the seven disputed redaction categories in the Proposed Protocol, however, differs from the Kenya Redaction Protocol. For these three redactions categories, the Prosecution seeks approval to redact the information on an *ongoing* basis. The three categories relate to the identifying and contact information of: family members of witnesses, other persons at risk on account of the activities of the Court and investigators.

¹ ICC-01/04-02/06-382, para.2.

² ICC-01/09-02/11-495-AnxA-Corr, ICC-01/09-02/11-495 (Decision adopting the Protocol) and ICC-01/09-01/11-458-AnxA-Corr, ICC-01/09-01/11-458 (Decision adopting the Protocol).

³ ICC-01/09-02/11-495 and ICC-01/09-01/11-458, para 12.

PROCEDURAL HISTORY

4. On 9 October 2014, the Chamber scheduled a status conference for 17 October 2014 requesting the parties to provide submissions on protocols.⁴
5. At the status conference on 17 October 2014, the Chamber encouraged the parties to use the Kenya protocols as the starting point for their discussions, noting that achieving some degree of uniformity with regard to protocols used at trial would be beneficial.⁵
6. On 22 October 2014, the Registrar submitted the [REDACTED] (“Registry Report”).⁶
7. The parties met on 24 October 2014 to discuss the Proposed Protocol in greater detail. There remain seven disputed redaction categories which are set out below for the Trial Chamber to adjudicate.
8. On 30 October 2014, the parties provided the Proposed Protocol to the Victim’s and Witnesses Unit (“VWU”) for review and comment.

CONFIDENTIALITY

9. Pursuant to regulation 23*bis*(1), this filing is classified as “Confidential, *EX PARTE* – Prosecution and VWU Only” because it refers to *ex parte* filings which contain information that could impact the security of witnesses and their families. The Prosecution will file a confidential redacted and a public redacted version following the submission of this document.

⁴ ICC-01/04-02/06-382, paras. 2 and 4.

⁵ ICC-01/04-02/06-T-15-ENG ET WT, page 16.

⁶ [REDACTED].

PROSECUTION SUBMISSIONS

10. The Proposed Protocol will expedite the disclosure process and provide the Defence with faster access to potentially relevant materials.⁷ The standard redaction categories in the Proposed Protocol also reflect redaction categories approved by Pre-Trial Chamber II,⁸ further broken down into sub-categories to provide more information to the party receiving disclosure. The mechanism for resolving disputes is included in the Proposed Protocol and has been agreed upon by the parties.
11. The Prosecution sets out below the seven redaction categories that are the subject of dispute between the parties, with justification for their inclusion: redaction to this information is necessary, ensures the protection of the interests enshrined in rules 81(2) and 81(4) of the Rules of Procedure and Evidence (“Rules”), is the least intrusive measure available and is not prejudicial to the rights of the Accused.

I. Redactions being sought pursuant to rule 81(4)

i. Category B: Identifying and contact information of family members of witnesses

12. The Prosecution seeks to redact identifying and contact information of family members of witnesses on an ongoing basis. Of note, redactions to the *contact* information of family members was authorised as a standard redaction category in the Kenya Redaction Protocol, on an ongoing basis.⁹
13. Redactions to the *identifying* information of family members was also accepted as a standard redaction category in the Kenya Redaction

⁷ ICC-01/04-02/06-382, para. 4. The Trial Chamber stated that it “considers that such a protocol may facilitate consistent and efficient disclosure”.

⁸ ICC-01/04-02/06-117-Conf-Red3, para 31.

⁹ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA-Corr, paras. 56.

Protocol, either to protect a witness or where non-disclosure was necessary to protect the safety and well-being of the family member.¹⁰ For minor family members of witnesses, redactions to identifying information was authorised on an ongoing basis. For adult family members, redactions to identifying information was authorised either until the identity of the protected witness was disclosed, or 60 days prior to trial on the basis of their own security.¹¹ In the present case, for reasons set out further below, the Prosecution requests redactions to identifying information of family members of witnesses (both minors and adults) on an ongoing basis.

14. The Parties have an obligation to “minimize the risk of exposing non-public information to the greatest extent possible”¹² and to limit disclosure of confidential information to the public *only* “where such disclosure is directly and specifically necessary to the preparation of the presentation of their case”.¹³ Family members of witnesses are not involved in the Court’s activities, often know nothing about the cooperation of their relatives with the Court, and do not benefit from security mechanisms offered to Prosecution witnesses. In most cases, they are not part of the witness’ account and not relevant to the case against the Accused.
15. Disclosing to the Defence the names and identifying information of family members of Prosecution witnesses, including information that could lead to the disclosure of their current whereabouts, could pose an additional

¹⁰ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA-Corr, paras. 55.

¹¹ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA-Corr, paras. 56.

¹² ICC-01/04-02/06-167-AnxA, at para. 4.

¹³ ICC-01/04-02/06-167-AnxA, at para. 5.

risk to the safety and/or physical well-being of these family members.¹⁴
This in turn can jeopardize the safety of witnesses themselves.

16. Importantly, as observed in the Registry Report, [REDACTED].¹⁵
[REDACTED].¹⁶
17. This is a real concern to the objective risk that witnesses and their family members face and for the Court's ability to provide any real protection in the case of threat. [REDACTED]. This risk extends to family members.
18. Second, family members in these areas are particularly vulnerable. The Prosecution provides [REDACTED] to ensure ready access to the [REDACTED] in the event of a security threat, but does not do so for family members for reasons of confidentiality. Moreover, keeping [REDACTED] restricted to a limited group of persons (i.e. witnesses) is necessary to ensure the integrity and confidentiality of the information and to reduce opportunity for the information to become well known.¹⁷ [REDACTED]. Under such conditions, maintaining redactions on an ongoing basis to the identifying information of the family members of witnesses is the only viable security measure available to the Prosecution, short of relocation, which is highly intrusive and financially unfeasible.
19. [REDACTED].¹⁸ [REDACTED].¹⁹ [REDACTED].²⁰
20. Disclosing the identifying and contact information of family members poses an objectively identifiable risk to their safety and well-being and

¹⁴ ICC-01/04-01/07-160, paras 43, 45, 47 and 48; ICC-01/04-01/07-249, paras 18, 19, 21 and 23; ICC-01/04-01/07-361, paras 13, 15, 18 and 21; ICC-01/04-01/07-427, paras 30, 33, 39 and 41; ICC-01/04-01/07-425, paras 11, 13, 15 and 18; and ICC-01/04-01/07-568, paras 16, 19, 21 and 24.

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ ICC-01/04-02/06-117-Conf-Red, para. 46.

¹⁸ ICC-01/04-02/06-349-Conf-Red.

¹⁹ [REDACTED].

²⁰ [REDACTED].

may effectively dissuade witnesses from cooperating with the Prosecution, for fear of exposing their family to harassment because of their decision to provide evidence or because of pressure placed on family members of witnesses for those witnesses to cease cooperation with the Court.

21. Various Chambers have authorised redactions to this category of information.²¹ Of note, Trial Chamber I in the *Lubanga* proceedings authorised redactions to family members of witnesses and Prosecution sources, on the basis that the information was irrelevant to the known issues in the case and the redactions did not render the document in any way unintelligible or unusable.²² Trial Chamber II found that redacting identifying information about family members was not prejudicial or inconsistent with the rights of the Defence.²³
22. The Single Judge in this case accepted that family members are not involved in the Court's activities and, as only witnesses are provided with [REDACTED], disclosure of the identifying information of family members would pose an objectively identifiable risk to their safety and well-being, even if the name of the witness is disclosed to the Defence.²⁴ [REDACTED].²⁵ The same principle applies to identifying and contact information of family members in this case.²⁶
23. Prosecution witnesses make an informed choice to testify, but this does not extend to and should not unduly impact their family members. Exposing family members to the risk of intimidation, violence or

²¹ ICC-01/04-01/07-1240-tENG, paras 35-37; ICC-01/04-01/07-249, para 22; ICC-02/05-03/09-58, para. 7; ICC-01/04-01/07-888-Red-tENG, para 30; ICC-01/04-01/07-1096-tENG, paras 37-38; ICC-01/04-01/07-1100, paras 32-34; and ICC-01/04-01/10-167, paras 28-31.

²² ICC-01/04-01/06-2597-Red, para 82(l) and ICC-01/04-01/06-2208-Red-Corr, paras. 19, 28, 39, 42, 63, 69, 77 and 80.

²³ ICC-01/04-01/07-1240-tENG, paras 35-37.

²⁴ ICC-01/04-02/06-117-Conf-Red, paras. 44-46

²⁵ [REDACTED].

²⁶ [REDACTED].

interference when they are irrelevant to proceedings and are of no legitimate interest to the Defence infringes on their privacy and right to not be associated with the Court. Furthermore, the requested redactions do not affect the comprehension of the evidence.

24. Names of family members are included as standard information on the first page of a witness statement; rarely is this information relevant to the witness's account. Where the Defence views this information as relevant to its investigations in a given case, it can raise this with the Prosecution and request the lifting of the redaction, as provided in the Proposed Protocol. This may be the case where the witness refers to specific family members in the substance of his or her account of relevant events, or in the case of investigations into the identity of alleged former child soldier witnesses.
25. Non-disclosure of the identifying and contact information of family members is necessary in this case and no lesser measures exist to ensure their continued safety. The redactions are not prejudicial to or inconsistent with the rights of the Defence and the requirements of a fair and impartial trial because their identity is irrelevant to the issues in this case and the redactions do not affect the intelligibility of the witness account.

ii. Category C: Identifying and contact information of "other persons at risk as a result of the activities of the Court" (also known as "innocent third parties") and their family members

26. The Prosecution requests authorisation, pursuant to rule 81(4), to redact identifying and contact information of innocent third parties on an ongoing basis. Redactions to the *contact* information of innocent third parties was authorised as a standard redaction category in the Kenya

Redaction Protocol on an ongoing basis,²⁷ just as it was for family members of witnesses.

27. Redactions to *identifying* information of innocent third parties was also accepted as a standard category in the Kenya Redaction Protocol. The timeline for lifting these redactions was 60 days prior to the trial.²⁸ In the present case, the Prosecution requests redactions to the identifying information of this category of individuals on an ongoing basis.
28. This category of redactions seeks to protect other persons at risk as a result of the activities of the court, who may unwittingly be perceived as potential witnesses or collaborators with the Court by virtue of their identifying and contact information being disclosed.²⁹
29. At Pre-Trial, the Single Judge in this case attached particular weight to the fact that innocent third parties are unaware that they are identified in materials, do not benefit from any protection provided by the Court, and have agreed to their identities being disclosed.³⁰
30. For the same reasons set out above in relation to family members, this lack of awareness creates a real security concern for which the Prosecution cannot provide assistance, as often the exact whereabouts of innocent third parties are not known. Prosecution witnesses are briefed and benefit from the certain safety measures, [REDACTED], whereas innocent third parties remain entirely unprotected and often ignorant of the risk they potentially face.

²⁷ ICC-01/09-02-11-495-AnxA-Corr and ICC-01/09-02-11-458-AnxA-Corr, para 58.

²⁸ ICC-01/09-02-11-495-AnxA-Corr and ICC-01/09-02-11-458-AnxA-Corr, para 58.

²⁹ ICC-01/04-02/06-117-Conf-Red3, para 52.

³⁰ ICC-01/04-02/06-117-Conf-Red3, paras 50-52.

31. By definition, individuals falling into this category are not involved in the Court's activities. In most cases, they are not relevant to the case such that the non-disclosure of their identity cannot prejudice the Accused.
32. Given the limits to the protective mechanisms the Prosecution can put in place to mitigate the risk to these individuals, ongoing non-disclosure of their identity is the best and least restrictive measure available.

II. Redactions being sought pursuant to rule 81(2)

33. Rule 81(2) authorises the Prosecution to seek non-disclosure of material or information that, if disclosed, may prejudice further or on-going investigations. The criteria applied in relation to redactions under rule 81(4) apply *mutatis mutandis* to redactions being sought under rule 81(2). Namely, that the potential prejudice to investigations is objectively justifiable, results from disclosure to the Defence (as opposed to the public), and redactions are a necessary and proportionate measure to reduce or overcome this risk.³¹
34. In the Proposed Protocol, the Prosecution includes the same sub-categories of standard justifications contained in the Kenya Redaction Protocol.³² As set out in paragraph 3, the Prosecution departs slightly from this protocol in that it seeks to maintain redactions to the identifying and contact information of investigators on an ongoing basis.
35. There are five categories in the Proposed Protocol that are in dispute between the parties with respect to redactions under rule 81(2). These relate to redactions to identifying and contact information of (i) parties'

³¹ ICC-01/04-02/06-117-Conf-Red3, para 56. *See also*: ICC-01/04-01/07-476 OA2, paras 59-60 and ICC-01/04-01/07-475 OA, paras 98-99.

³² ICC-01/09-02-11-458-AnxA-Corr and ICC-01/09-02-11-495-AnxA-Corr, pages 9-12.

staff, (ii) persons who are not staff but assist during investigations, (iii) intermediaries, (iv) leads and sources, and (v) investigators.

i. Category D.2: Identifying and contact information of parties' staff (specifically, translators, interpreters, stenographers and psychosocial experts), VWU and other Court staff members (including VWU partners), who travel frequently to, or are based in, the field

36. To ensure that this category of individuals is able to continue to perform their duties safely and without jeopardising the integrity of further and ongoing investigations or the safety and security of witnesses, the Prosecution seeks to redact their identifying and contact information.
37. The work performed by these individuals is highly specialised and there is a limited pool of suitably qualified translators, interpreters, stenographers and psychosocial experts available to assist the parties. Maintaining the anonymity of VWU and other staff of the Court who are based in or travel frequently to the field is essential to their ability to conduct their work safely, without being associated with a particular case or the Court.
38. The individuals falling into this category are regularly in the field in order to meet with and provide assistance to witnesses. These meetings take place at secure locations used by the parties and there few locations that offer satisfactorily secure conditions to conduct interviews.
39. Redaction to the identifying and contact information of parties' staff is authorized in the Kenya Redaction Protocol on an ongoing basis.³³ Pre-Trial Chamber II found that there was an objectively identifiable risk that disclosure to the Accused of the names of staff working in or for the Prosecution (including investigators, intermediaries, interpreters and

³³ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA, paras 32-33.

psychosocial experts) would compromise the integrity of further and ongoing investigations.³⁴ If their identity is known, these individuals will be exposed to risk as will the witnesses with whom they meet. The risk exists even with disclosure to the Accused.

40. Additionally, often these individuals work on various cases, such that the importance of preserving their anonymity extends beyond the active investigation phase of one particular case. For these reasons, the redactions should be maintained on an ongoing basis.
41. The redactions sought under this sub-category do not affect the substance of the witness statement in any way and are the least intrusive way to protect the integrity of further and ongoing investigations. In *Bemba*, Trial Chamber III held that interview locations and the identity of (Prosecution) field-staff is usually irrelevant, and given the limited pool of available individuals and interview locations in Central African Republic, authorised redactions to this information.³⁵
42. The Appeals Chamber has also held that, while it is mandatory under rule 111 to record certain information pertaining to formal statements (including the persons present), “such information can be withheld from the Defence in appropriate circumstances”³⁶ and in light of the conditions stipulated by rule 81(2).³⁷

ii. Category D.3: Identifying and contact information of translators, interpreters, stenographers and psycho-social experts assisting

³⁴ ICC-01/04-02/06-117-Red3, paras 58-59 and 62.

³⁵ ICC-01/05-01/08-813-Red, para. 71.

³⁶ ICC-01/04-01/07-475 OA, para 91. This decision was rendered in regard to disclosure at the pre-trial phase of proceedings.

³⁷ ICC-01/04-01/07-475 OA, para 93. This decision was rendered in regard to disclosure at the pre-trial phase of proceedings.

during interviews who are not OTP staff members but who travel frequently to, or are based in, the field

43. The reasoning set out above with respect to sub-category D.2 applies similarly to this category of individuals. The difference is that this category applies to individuals who are *not* OTP staff members but who perform the same function. The disclosure of identifying information about these individuals therefore presents the same potential to jeopardise further and ongoing investigations of the Prosecution.
44. Similarly, the redactions sought under this sub-category do not affect the substance of the witness statement in any way and are the least intrusive way to protect the integrity of the Prosecution's investigations.
45. Redaction to this category of information is authorized in the Kenya Redaction Protocol on an ongoing basis.³⁸

iii. Category D.4: Identifying and contact information of intermediaries

46. The parties rely on intermediaries to conduct activities related to investigations in the field, due to the security situation in the Ituri region and limited access to remote locations. The Prosecution has no local police force and within the DRC operates in potentially hostile environments. Persons do not necessarily trust the Court and, having survived often horrific events, are cautious about coming forward publicly to tell their stories. Persons may also be at risk if it appears that they are cooperating with the Court. Nor can investigators act in the region without subjecting themselves to significant personal risk.

³⁸ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA, paras. 34-35.

47. Intermediaries are nearly always based in the field, or are either from or reside in Ituri. Their ability to safely liaise with witnesses requires that they be able to conduct their work with relative anonymity. They carry out certain tasks in the field that staff members cannot carry out without creating suspicion. They can access remote locations. They are able to contact individuals or collect documents without attracting attention and putting individuals at risk. As they play a vital role in the effective conduct of investigations by facilitating contact between witnesses and the Prosecution, disclosure of the identity of intermediaries would create an objectively justifiable risk to their safety, the safety of the witnesses with whom they are in contact and the location of securing interview sites. It will also jeopardise the integrity of the Prosecution's investigation. The assistance of intermediaries does not end with the bringing of charges. Intermediaries remain essential in investigations during the trial.
48. Intermediaries are at real risk on account of the activities they undertake for the Court. The Registry's Report states that [REDACTED].³⁹ [REDACTED].⁴⁰
49. [REDACTED].⁴¹
50. Redaction to the identifying and contact information of intermediaries is authorized in the Kenya Redaction Protocol on an ongoing basis.⁴² Pre-Trial Chamber II authorised redactions to the identity of intermediaries, finding that disclosure of this information may prejudice their continuing work in the field.⁴³

³⁹ [REDACTED].

⁴⁰ [REDACTED].

⁴¹ [REDACTED].

⁴² ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA, paras 38-40.

⁴³ ICC-01/04-02/06-117-Conf-Red3, paras 58 and 62.

51. Trial Chamber I in the *Lubanga* proceedings also authorised redactions to the names of intermediaries where such information was irrelevant to the known issues in the case and non-disclosure did not render the document in any way unintelligible or unusable.⁴⁴
52. The Prosecution is willing to assign codes or pseudonyms to its intermediaries and disclose this information to the Defence.
53. Pursuant to the Proposed Protocol, the Defence is also able to request disclosure of the information directly from the Prosecution and, if necessary, to bring an application to the Chamber.⁴⁵

iv. Category D.5: Identifying and contact information of leads and sources⁴⁶

54. The current security situation in certain parts of the DRC, in particular in the Iruri district, means that leads and sources active in the field face heightened risk of intimidation and interference while carrying out their activities on behalf of the Prosecution. Redacting identifying and contact information is a measure that reduces the risk this category of persons and/or their ongoing investigations face, as they are generally based in the region, making it difficult to ensure their protection.
55. Redaction to the identifying and contact information of leads and sources is authorized in the Kenya Redaction Protocol on an ongoing basis, except in cases where the lead provides material that is disclosed and provided there are no additional security concerns.⁴⁷ The Single Judge of Pre-Trial

⁴⁴ ICC-01/04-01/06-1924-Anx2, paras 34-35 and ICC-01/04-01/06-2597-Red, para 50.

⁴⁵ Proposed Redaction Protocol, para 10.

⁴⁶ "Sources" is intended to include individual sources, non-governmental organisations, international organisations, national government agencies, academic institutions and private companies (ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA-Corr, para. 43).

⁴⁷ ICC-01/09-02/11-495-AnxA-Corr and ICC-01/09-01/11-458-AnxA, paras 41-42.

Chamber II equally authorised the Prosecution to redact identifying and contact information of leads and sources.⁴⁸ Trial Chamber I in the *Lubanga* proceedings authorised redactions to this category of information.⁴⁹

56. There are no less restrictive protective measures that can be taken. The redactions are not prejudicial to or inconsistent with the rights of the Defence and the requirements of a fair and impartial trial as they do not affect the intelligibility of the information contained in the documents and are not relevant to known issues in the case.

v. Category D.6: Identifying and contact information of investigators

57. As set out in paragraph 3, this sub-category of redactions differs from the Kenya Redaction Protocol in that the Prosecution seeks to redact the identifying and contact information of investigators (of either party) on an ongoing basis.
58. The parties have a limited number of investigators. In order to preserve the integrity of further and ongoing investigations, it is important for the identity of these individuals to remain unknown. Given that investigators are regularly meeting with witnesses, some of whom are highly vulnerable and under protective care, the security of witnesses can also be compromised when the identity of investigators is disclosed, as can the location of secure interview locations. This is particularly problematic in places where there are a limited number of secure interview locations.

59. [REDACTED].⁵⁰ [REDACTED].⁵¹ [REDACTED].⁵²

⁴⁸ ICC-01/04-02/06-117-Conf-Red, para 55, ICC-01/04-02/06-145-Red2, para 19, ICC-01/04-02/06-165-Red3, para 17 and ICC-01/04-02/06-248-Conf, para 38.

⁴⁹ ICC-01/04-01/06-2208-Conf-Red, paras 46-48 and 75-77, and ICC-01/04-01/06-1924-Anx2, paras 34-35.

60. Based on the same reasoning, the Prosecution seeks to redact identifying and contact information of investigators, but it seeks to do so on an ongoing basis.
61. Investigators are engaged throughout the case in order to fulfil the Prosecution's obligations under article 54(1)(a). The Prosecution also relies upon investigators during the Defence case, such that ongoing redaction of their identifying and contact information is required.
62. Moreover, investigators are used on multiple cases, and it is not sufficient to avoid the risks associated with disclosure of their identity to simply delay the disclosure of their identity until the active investigation phase of one case has been completed.
63. The Prosecution is willing to assign codes or pseudonyms to its investigators and disclose this information to the Defence to enable them to analyse and identify the work of each investigator.⁵³
64. In respect of all redactions sought under rule 81(2), the Chamber needs to balance the risk of the disclosure of this information to further and ongoing investigations, against any prejudice to the Accused by not receiving this specific information. The Prosecution submits that the Accused will have access to the substantive material and that the information being redacted is not relevant to any known issues in the case. Moreover, should the Prosecution become aware of changed circumstances where the redaction was no longer necessary or justified, it would be under an obligation to disclose it. The Defence is always able to

⁵⁰ [REDACTED].

⁵¹ [REDACTED].

⁵² [REDACTED].

⁵³ See, ICC-02/11-01/11-106, pages 8-9.

engage the Prosecution and, ultimately the Chamber, to lift a redaction where it feels it is warranted.

REQUEST

65. The Prosecution requests that the Chamber adopt the Proposed Protocol, attached as Annex A.



Fatou Bensouda
Prosecutor

Dated this 31st day of October 2014
At The Hague, The Netherlands