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

Date: 19 December 2014

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
with Confidential, Prosecution and Defence Only, Annex A

**Prosecution's Communication of the Disclosure of Evidence
and Notice to the Trial Chamber of the Implementation of the "Protocol
establishing a redaction regime in the case of the prosecutor v. Bosco
Ntaganda" (ICC-01/04-02/06-411-AnxA)**

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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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

1. The Prosecution provides: (i) notice of the disclosure of incriminating evidence pursuant to Articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute ("Statute") and of the disclosure of evidence pursuant to Article 67(2) of the Statute; and (ii) notice of the implementation of the Redaction Protocol.

A. Disclosure of evidence

2. On 18 December 2014, the Prosecution disclosed 17 items as incriminating evidence as well as 25 items pursuant to Article 67(2) of the Statute. The Prosecution appends the list of the evidence disclosed in Confidential, Prosecution and Defence Only Annex A.

B. Notice of the implementation of the redaction protocol

3. The "Decision on the Protocol establishing a redaction regime"¹ ("the Decision") and its Annex A, the Redaction Protocol,² require the disclosing party to identify the legal category of redactions applied to the disclosed evidence³ and provide pseudonyms to persons redacted under redaction categories D.2 to D.6.⁴ The purpose of providing both a legal redaction category and a pseudonym is to allow the receiving party to have more information at its disposal that may be relevant to its assessment of the evidence disclosed.⁵
4. The Prosecution provides notice of the manner in which it is complying with the Decision and the Redaction Protocol. For the disclosure packages communicated on 18 December 2014, the Prosecution was unable to include the redaction category codes in the redaction boxes applied to the documents for technical reasons, as described below. Accordingly, it provided the relevant information to the Defence by way of two redaction charts that identify both the legal category for the redactions in the

¹ ICC-01/04-02/06-411.

² ICC-01/04-02/06-411-AnxA.

³ ICC-01/04-02/06-411-AnxA, para.11.

⁴ ICC-01/04-02/06-411-AnxA, para.12.

⁵ ICC-01/04-02/06-411, para.27. The Protocol does not specify the manner in which the pseudonyms should be provided to the receiving party, although the Decision refers to "a separate document identifying leads and sources by pseudonym"⁵ and "a document identifying each individual intermediary by pseudonym" (ICC-01/04-02/06-411, paras 49 and 53).

documents and any applicable pseudonyms. The Prosecution will re-disclose these items with the proper redaction category codes visible in the redaction boxes as soon as it finalises the technical implementation of the Protocol in Ringtail.

5. The Prosecution further informs the Chamber that for future disclosures it will indicate the legal redaction category in the redaction boxes in the body of the document and will provide the assigned pseudonyms by way of a new metadata field in the document called "ICC-01/04-02/06 – Pseudonyms". The Prosecution cannot physically include both a redaction category code *and* a descriptive pseudonym in the body of the document within the often limited space of a redaction box. Furthermore, this approach, as compared with the provision of separate documents ("redaction charts"), has the advantage of centralising the relevant information in both the eCourt and in the parties' Ringtail systems and allows the parties to search across the metadata of documents for this information, which facilitates the receiving party's use of the pseudonyms.

Confidentiality

6. Pursuant to Regulation 23bis (1) of the Regulations of the Court, the annex to this document is classified as confidential because it references disclosed materials designated as such.



Fatou Bensouda,
Prosecutor

Dated this 19th day of December 2014
At The Hague, The Netherlands