

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06
Date: 28 January 2015

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***

Confidential

Confidential redacted version of "Prosecution's urgent application to disclose lesser redacted versions of 15 victim application forms", ICC-01/04-02/06-432-Conf-Exp, 28 January 2015

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 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

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Prosecution's Submissions

1. In accordance with article 64(6)(a) of the Rome Statute, regulations 23*bis*, and 42 of the Regulations of the Court ("RoC"), and the Protocol on Redactions established by Trial Chamber VI ("Protocol on Redactions"),¹ the Office of the Prosecutor ("Prosecution") requests authorisation from Trial Chamber VI ("the Chamber") to disclose lesser redacted versions of 15 victim application forms ("application forms") relating to prospective Prosecution trial witnesses.
2. On 28 May 2013, the Single Judge of Pre-Trial Chamber II instructed the Registry to transmit unredacted versions of victim application forms to the Prosecution, and redacted versions to the Defence.² The Registry subsequently implemented this instruction.³
3. The Prosecution intends to rely on certain victims as witnesses at trial, yet their victim application forms have been transmitted to the Defence in redacted form. In this light, some of the redactions applied by the Registry to these victim application forms are no longer necessary.
4. Therefore, the Prosecution requests that the Chamber authorise the Prosecution to disclose these victim application forms, designated "*EX PARTE* only available to the Prosecutor" in the Registry's previous submissions, with "standard redactions" imposed by the Prosecution in

¹ ICC-01/04-02/06-411-AnxA.

² ICC-01/04-02/06-67, paras.41-44.

³ See fns.6-20 below.

accordance with the Protocol on Redactions. This is in line with the approach adopted by Trial Chambers V⁴ and V(A)⁵ in similar circumstances.

5. The Prosecution requests authorisation to disclose the victim applications with fewer redactions for the following 15 Prosecution witnesses:

[REDACTED]⁶
[REDACTED]⁷
[REDACTED]⁸
[REDACTED]⁹
[REDACTED]¹⁰
[REDACTED]¹¹
[REDACTED]¹²
[REDACTED]¹³
[REDACTED]¹⁴
[REDACTED]¹⁵
[REDACTED]¹⁶
[REDACTED]¹⁷
[REDACTED]¹⁸

⁴ ICC-01/09-02/11-710.

⁵ ICC-01/09-01/11-826.

⁶ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

⁷ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

⁸ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

⁹ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁰ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹¹ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹² Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹³ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁴ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁵ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁶ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁷ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

[REDACTED]¹⁹

[REDACTED]²⁰

6. The Prosecution liaised with the Legal Representatives of the Victims on the necessary redactions.
7. Should the Chamber grant this authorisation, the Prosecution will disclose the relevant application forms by 30 January 2015.²¹

Confidentiality

8. This document is classified as Confidential, *ex parte*, only available to the Prosecution and Legal Representatives of Victims, pursuant to regulation 23bis(1) of the RoC, since it identifies witnesses whom the Prosecution may seek to rely on at trial whose identity has not yet been disclosed to the Defence. The Prosecution will file a confidential, redacted version of this filing.

¹⁸ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

¹⁹ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

²⁰ Victim application number [REDACTED]. The unredacted version of this witness' victim application was transmitted in [REDACTED].

²¹ The Prosecution is filing a request for delayed disclosure of four victim application forms for witnesses [REDACTED].

Relief Requested

9. Based on the foregoing, the Prosecution requests that the Chamber grant it authorisation to disclose the above mentioned victims' applications with the lesser redactions applied in accordance with the Protocol on Redactions.



Fatou Bensouda,
Prosecutor

Dated this 28th day of January 2015
At The Hague, The Netherlands