

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/04-02/06
Date: 16 February 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***

Public

With Public Annexes A and B

**Prosecution's Submission of an Updated Document Containing the Charges
pursuant to ICC-01/04-02/06-450**

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. In accordance with the “Decision on the updated document containing the charges”¹ (the “Decision”) released by Trial Chamber VI (the “Chamber”) on 6 February 2014, the Office of the Prosecutor (the “Prosecution”) submits an updated version of the document containing the charges² (the “Updated DCC”).
2. The Updated DCC, attached as Annex A to the present filing, reflects the changes ordered by the Chamber to the version of this document filed by the Prosecutor on 14 November 2014.³ The Prosecution also attaches, as Annex B, a version of the Updated DCC that contains tracked changes to clearly indicate the additions and deletions made by the Prosecution in accordance with the Chamber’s decision.

Procedural Background

3. On 30 October 2014, the Chamber ordered the Prosecution to provide to the Defence, on 7 November 2014, a draft updated document containing the charges reflecting the charges as confirmed by Pre-Trial Chamber I,⁴ and for the parties to liaise together thereafter with a view to resolving any areas of dispute with respect to this document.⁵ The Chamber further ordered the Prosecution to file the draft updated document containing the charges that followed from these *inter partes* consultations, along with a jointly submitted annex of any remaining areas of disagreement, on 14 November 2014.⁶

¹ ICC-01/04-02/06-450.

² ICC-01/04-02/06-203-AnxA.

³ ICC-01/04-02/06-402-AnxA.

⁴ ICC-01/04-02/06-309.

⁵ ICC-01/04-02/06-390, para.5

⁶ ICC-01/04-02/06-390, para.7

4. On 14 November 2014, the Prosecution filed the “Prosecution’s Submission of an Updated Document Containing the Charges, the Joint Submission of Areas of Disagreement and Request to File Additional Observations.”⁷
5. On 21 November 2014, the parties filed their additional observations on the areas of disagreement in the updated document containing the charges.⁸
6. On 6 February 2015, the Chamber issued its Decision in which it ordered the Prosecution to file an Updated DCC that reflected certain modifications in accordance with its findings by 16 February 2015.⁹

Prosecution’s Submissions

7. The Prosecution is today seeking reconsideration and, in the alternative, leave to appeal one issue arising from the Decision.¹⁰ This issue relates to paragraphs 45 and 59 of the Decision, and specifically the order to delete the words “Bosco Ntaganda and” from paragraph 104, the entirety of paragraph 105, and the cross-reference to paragraph 105 in Count 9 in Section H(ii) of the Updated DCC.
8. The Prosecution has not sought a postponement of the Decision to file the Updated DCC today, notwithstanding the Prosecution’s parallel request for reconsideration and appeal. This was done so that the Defence is provided the Updated DCC without delay. Accordingly, the Updated DCC, attached as Annex A, reflects all modifications ordered by the Chamber.

⁷ ICC-01/04-02/06-402.

⁸ ICC-01/04-02/06-403 (Prosecution) and ICC-01/04-02/06-405 (Defence).

⁹ ICC-01/04-02/06-450.

¹⁰ This request is being filed today, 16 February 2015.

9. The Prosecution notes that it has removed the entirety of the content of paragraph 105, but has maintained the paragraph number in the Updated DCC. This was done in order to maintain the original paragraph numbering for the purposes of the cross-referencing throughout the document, including Section H(ii).

Conclusion

10. The Prosecution submits the Updated DCC in accordance with the 6 February 2015 order of the Chamber.



Fatou Bensouda,
Prosecutor

Dated this 16th day of February 2015
At The Hague, The Netherlands