

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/04-02/06
Date: 25 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 Confidential, *EX PARTE* Annexes A and B- only available to the Prosecution
and VWU**

**Public redacted version of "Prosecution request for authorisation to provide a
summary of P-0901's statement", 25 February 2015**

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. On 16 February 2015, the Office of the Prosecutor (“Prosecution”) requested Trial Chamber VI (“Chamber”) to authorise delayed disclosure in relation to material relevant to a number of witnesses including P-0901 (“Application”).¹ In its Application, the Prosecution indicated that it would apply for “non-standard redactions”² to the finalised transcripts of P-0901’s interview by 25 February 2015.³
2. For the reasons set out below, the Prosecution requests the Chamber’s authorisation to provide the Defence with a summary of P-0901’s interview in lieu of “non-standard redactions” to this interview as the Prosecution had proposed in its Application given that redactions alone will be insufficient to protect the identity of the witness (“Request”).

Confidentiality

3. This request and its annexes are classified as “Confidential, *EX PARTE*- only available to the Prosecution and VWU” pursuant to regulation 23*bis*(1) of the Regulations of the Court because they reveal the identity of a Prosecution witness whose evidence has not yet been disclosed to the Accused and/or details of his security situation. Revealing this information would undermine the relief sought and create security risks in relation to this witness. The Prosecution will file a redacted version of this request.

¹ ICC-01/04-02/06-461-Conf-Exp with confidential redacted version at ICC-01/04-02/06-461-Conf-Red and public redacted version at ICC-01/04-02/06-461-Red2 (“Application”).

² See ICC-01/04-02/06-411-AnxA, para.3(ii).

³ See Application, para.35. The Prosecution notes that in the Application, it also stated it would provide requests for “non-standard redactions” in relation to P-0914 and P-0918 by 25 February 2015, *see* Application, para.33. However, in a separate filing, the Prosecution is withdrawing these two witnesses from its Application. Therefore, no “non-standard redactions” are required in their regard.

Prosecution's Submissions

4. In its Application, the Prosecution noted that it had completed an interview with P-0901 conducted pursuant to article 55(2) of the Rome Statute on [REDACTED] and that the process of transcribing that interview was nearly complete.⁴ Without the transcript, the Prosecution was unable to propose “non-standard redactions” to the identity of the witness by the 16 February 2015 deadline for requests for delayed disclosure and non-standard redactions. Instead, the Prosecution indicated that it could submit a request for the necessary “non-standard redactions” by 25 February 2015 once the transcript was available.⁵
5. The transcription of P-0901’s interview is now complete. Having closely reviewed the transcription, the Prosecution has determined that proposing “non-standard redactions” will not suffice to protect the identity of this witness.⁶ This is due, *inter alia*, to the presence of identifying information *throughout* the interview.
6. [REDACTED].
7. Since it would be necessary to impose extensive non-standard redactions in the interview transcripts to protect the identity of P-0901, the Prosecution proposes a comprehensive summary which is a more coherent form to transmit the relevant information to the Accused and at the same time ensures the ongoing protection of the witness [REDACTED]. The proposed summary is attached as Confidential, *EX PARTE* Annex A. A copy of the unredacted transcriptions of P-0901’s interview is attached at Confidential, *EX PARTE* Annex B.

⁴ Application, para.35.

⁵ Application, para.35.

⁶ See Application, paras.34-36 and Application, Confidential, *EX PARTE* Annex A providing the reasons why it is necessary to protect this witness’ identity.

8. Should the Chamber grant the Prosecution's Application and this Request, the Prosecution will disclose the unredacted audio recordings, transcriptions and [REDACTED] of P-0901's interview to the Defence [REDACTED].

Request

9. For the reasons set out above, the Prosecution requests the Chamber's authorisation to disclose a summary of P-0901's interview in lieu of non-standard redactions to interview transcripts, [REDACTED].



Fatou Bensouda,
Prosecutor

Dated this 25th day of February 2015
At The Hague, The Netherlands