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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

Public redacted version of “Prosecution withdrawal of its application for delayed disclosure in relation to P-0758, P-0761, P-0773, P-0887, P-0898, P-0907, P-0914 and P-0918”, 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 ("Application").¹
2. The Prosecution hereby withdraws the Application to the extent that it relates to material relevant to witnesses P-0758, P-0761, P-0773,² P-0887, P-0898, P-0907, P-0914 and P-0918 for the reasons set out below. The Prosecution maintains its Application in respect of all other witnesses.³ The Prosecution will keep the Chamber informed of any relevant changes in circumstances in relation to the witnesses still included in its Application.

Confidentiality

3. This filing is classified as "Confidential, *EX PARTE*- only available to the Prosecution and VWU" pursuant to regulation 23*bis*(1) of the Regulations of the Court ("RoC") because it contains information relevant to the Prosecution's witness security assessments. The Prosecution will file a redacted version of this request.

Prosecution's Submissions

P-0758, P-0761 and P-0773

4. On 16 February 2015, the Prosecution sought non-standard redactions⁴ to material relevant to P-0758, P-0761, P-0773 and P-0806 and requested that

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 para.6 and fn.7 below with regard to the withdrawal in relation to P-0758, P-0761 and P-0773.

³ Witnesses P-0806, P-0888, P-0901 and P-0911.

⁴ See ICC-01/04-02/06-411-AnxA, para.3(ii).

these redactions be maintained until 16 March 2015, [REDACTED].⁵
[REDACTED].⁶

5. [REDACTED].
6. As a result, the proposed non-standard redactions to the material relevant to P-0758, P-0761 and P-0773 are no longer required except to the limited extent that their statements contain information that reveals the identity and identifying information of P-0806.⁷
7. Further, the Prosecution maintains its request for non-standard redactions to a photograph of P-0758⁸ for the reasons set out in the "Prosecution request for redactions"⁹ and its annexes.¹⁰

P-0887 and P-0907

8. On 16 February 2015, the Prosecution sought delayed disclosure through non-standard redactions to material relevant to P-0887¹¹ and requested that these redactions be maintained until [REDACTED] by 30 April 2015.¹²
9. The Prosecution also sought delayed disclosure of all material related to P-0907 [REDACTED], and requested that these redactions be maintained until [REDACTED] by 30 April 2015.¹³

⁵ See Application, paras.4(i), 7-8, 12, 28.

⁶ Application, para.28.

⁷ [REDACTED]

⁸ DRC-OTP-2066-0154.

⁹ See ICC-01/04-02/06-462-Conf-Exp, paras.4, 34-47 with confidential redacted version at ICC-01/04-02/06-462-Conf-Red, paras.4, 34-47 and public redacted version at ICC-01/04-02/06-462-Red2, paras.4, 34-47 ("Prosecution request for redactions").

¹⁰ See Confidential, *EX PARTE* Annexes A and B12 to the Prosecution request for redactions.

¹¹ The proposed redactions are those in Confidential, *EX PARTE* Annex B3 to the Application.

¹² Application, paras.4(ii), 41.

¹³ Application, paras.4(iii), 44.

10. [REDACTED]. In this light, delayed disclosure of the material relevant to P-0887 and P-0907 is no longer required.
11. The Prosecution maintains its request, framed as an alternative in the Application,¹⁴ pursuant to regulation 35 of the RoC for a variation of the time limit until the end of April 2015 to disclose [REDACTED] of P-0907's interview [REDACTED].
12. As noted in the Application,¹⁵ [REDACTED]. The Prosecution proposes to provide a comprehensive summary of P-0907's interview by 2 March 2015 [REDACTED] in order to diminish any prejudice to the Defence which may be caused by this delay.

P-0898, P-0914 and P-0918

13. On 16 February 2015, the Prosecution sought delayed disclosure through non-standard redactions to material relevant to P-0898¹⁶ and requested that these redactions be maintained until [REDACTED] by 30 April 2015.¹⁷
14. The Prosecution further sought delayed disclosure of all material related to P-0914 and P-0918 [REDACTED], and requested that these redactions be maintained until [REDACTED] by 30 April 2015.¹⁸
15. [REDACTED]. In this light, delayed disclosure of the material relevant to P-0898, P-0914 and P-0918 is no longer required.

¹⁴ Application, paras.53, 55-56.

¹⁵ Application, para.55.

¹⁶ The proposed redactions are those in Confidential, *EX PARTE* Annex B2 to the Application.

¹⁷ Application, paras.4(ii), 32.

¹⁸ Application, paras.4(iii), 33.

Conclusion

16. The Prosecution withdraws its Application to the extent that it relates to material relevant to P-0758, P-0761, P-0773, P-0887, P-0898, P-0907, P-0914 and P-0918. The Prosecution maintains its Application in respect of all other witnesses.



Fatou Bensouda,
Prosecutor

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