

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 2 March 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* Annex A– only available to the Prosecution and
VWU**

Prosecution proposed redactions to three documents relevant to P-0911

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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Mr Nigel Verrill

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**Victims Participation and Reparations
Section Other**

Prosecution's Submission

1. On 16 February 2015, the Office of the Prosecutor ("Prosecution") requested Trial Chamber VI ("Chamber") to authorise, *inter alia*, the non-disclosure of all material related to P-0911 until protective measures are in place in his regard by 30 April 2015 ("Delayed Disclosure Request").¹

2. The Prosecution was, and remains, unable to propose specific "non-standard redactions"² to the audio recordings and transcripts of the interview with P-0911 conducted pursuant to article 55(2) of the Rome Statute. This is due to the fact that, as noted in the Delayed Disclosure Request,³ the process of transcribing the audio recording of this interview has not yet been completed.

3. In order to limit any prejudice which may be caused to the Defence by the delayed disclosure of all material relevant to P-0911, on 2 March 2015, the Prosecution will disclose two notes on P-0911's interview⁴ and a document provided by the witness.⁵ The Prosecution sets out proposed "non-standard redactions" to these three documents at Confidential, *EX PARTE*, Annex A to this filing.⁶ These redactions are necessary for the reasons set out in the Delayed Disclosure request.⁷

¹ ICC-01/04-02/06-461-Conf-Exp, paras.4(iii), 37-39 with confidential redacted version at ICC-01/04-02/06-461-Conf-Red, paras.4(iii), 37-39 and public redacted version at ICC-01/04-02/06-461-Red2, paras.4(iii), 37-39 ("Delayed Disclosure Request"). In the alternative, the Prosecution requested a variation of the time limit from 2 March 2015 to disclose the audio recordings, transcriptions and translations of P-0911's article 55(2) interview until they are completed and the Prosecution has implemented the necessary standard redactions, *see* Delayed Disclosure Request, paras.53, 55-56.

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

³ Delayed Disclosure Request, para.38.

⁴ DRC-OTP-2082-1328 and DRC-OTP-2082-1384.

⁵ DRC-OTP-2081-0076.

⁶ The chart contained in this annex identifies: (i) the category of information to which the redactions pertain, (ii) the proposed redactions, and (iii) the justification for the redactions. Copies of the three documents in a format which permits the Chamber to view the information that the Prosecution proposes to redact are also provided in this annex.

⁷ *See* Delayed Disclosure request, paras.37-39 and Confidential, *EX PARTE*, Annex A to that filing containing P-0911's witness security assessment.

Request

4. The Prosecution requests the Chamber to authorise the proposed redactions to the three documents relevant to P-0911.



Fatou Bensouda,
Prosecutor

Dated this 2nd day of March 2015
At The Hague, The Netherlands