

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 9 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 Confidential Redacted Annex B**

Prosecution Pre-Trial Brief

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

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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 Submission

1. The Office of the Prosecutor ("Prosecution") hereby submits its Pre-Trial Brief as ordered¹ by Trial Chamber VI ("Chamber") in Annexes A and B.²
2. The Chamber ordered that the Pre-Trial Brief include "for each count, a summary of the relevant evidence upon which the Prosecution intends to rely, and which clearly explains how the evidence relates to the charges."³ The Chamber also noted that the Pre-Trial Brief is a document "designed to provide additional assistance and notice to the Defence of the nature of the Prosecution's case and how the intended evidence relates to the charges."⁴
3. While the Pre-Trial Brief provides a comprehensive overview of the Prosecution's case, it is not an exhaustive document. It does not serve to restrict the Prosecution's evidence at trial.

Confidentiality

4. The Pre-Trial Brief is attached as "Confidential, *EX PARTE*" pursuant to regulation 23bis(1) of the Regulations of the Court because it contains identifying information in relation to a witness for whom delayed disclosure

¹ ICC-01/04-02/06-450, para.89 ("Order"). On 19 February 2015, the Chamber granted an extension of time to file the Pre-Trial Brief by 9 March 2015, ICC-01/04-02/06-467. On 27 February 2015, the Chamber denied the Defence's request for reconsideration of this extension, *see* ICC-01/04-02/06-483, ICC-01/04-02/06-471. On 6 March 2015, the Chamber granted an extension of the page limit applicable to the Pre-Trial Brief to a maximum of 250 pages, *see* ICC-01/04-02/06-500, ICC-01/04-02/06-487.

² Annex A is a Confidential *EX PARTE* version and Annex B is the Confidential redacted version of the Pre-Trial Brief.

³ Order, para.89.

⁴ ICC-01/04-02/06-467, para.11.

is being sought.⁵ A Confidential redacted version is attached as Annex B.⁶ The Prosecution will provide a public redacted version as soon as practicable.



Fatou Bensouda,
Prosecutor

Dated this 9th day of March 2015
At The Hague, The Netherlands

⁵ See ICC-01/04-02/06-475-Conf-Exp, para.2, fn.3 with confidential redacted version at ICC-01/04-02/06-475-Conf-Red, para.2, fn.3 and public redacted version at ICC-01/04-02/06-475-Red2, para.2, fn.3.

⁶ Two sentences and two footnote references have been redacted in the Confidential redacted version. The Prosecution will provide the redacted information to the Defence when the protective measures relevant to the witness to whom these redactions relate are put in place.