

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 19 March 2015

TRIAL CHAMBER VI

Before: Judge Kuniko Ozaki
Judge Robert Fremr
Judge Chang-ho Chung

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 for P-0901”, 19 March 2015

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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section Other**

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
2. On 25 February 2015, the Prosecution withdrew its Application to the extent that it related to Witnesses P-0758, P-0761, P-0773, P-0887, P-0898, P-0907, P-0914 and P-0918.² The Prosecution maintained the Application in relation to P-0806, P-0888, P-0901 and P-0911.³
3. For the reasons set out below, the Prosecution hereby withdraws the Application in relation to material relevant to Witness P-0901. The Prosecution maintains its Application in respect of the other three witnesses.⁴

Confidentiality

4. This filing is classified as “Confidential” pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”) because it contains information relevant to a Prosecution witness’ security measures. The Prosecution will file a redacted version of this request.

Prosecution’s Submissions

5. In its Application, the Prosecution sought delayed disclosure of all material related to P-0901 until 30 April 2015, [REDACTED].⁵

¹ ICC-01/04-02/06-461-Conf-Exp, para.4(iii) with confidential redacted version at ICC-01/04-02/06-461-Conf-Red, para.4(iii) and public redacted version at ICC-01/04-02/06-461-Red2, para.4(iii) (“Application”).

² ICC-01/04-02/06-475-Conf-Exp with confidential redacted version at ICC-01/04-02/06-475-Conf-Red and public redacted version at ICC-01/04-02/06-475-Red2 (“Withdrawal notification”).

³ Withdrawal notification, paras.2, 16, fn.3.

⁴ Witnesses P-0806, P-0888 and P-0911.

⁵ See Application, paras.4(iii), 35-36.

6. On 25 February 2015, the Prosecution requested the Chamber's authorisation to provide the Defence with a summary of P-0901's interview, conducted pursuant to article 55(2) of the Rome Statute, in lieu of "non-standard redactions"⁶ to this interview as the Prosecution had proposed in its Application.⁷
7. [REDACTED]. As a result, the delayed disclosure of the material relevant to P-0901 is no longer required. The Prosecution will disclose this material to the Defence without delay.⁸
8. In its Application, the Prosecution also requested, as an alternative to delayed disclosure, a variation of the time limit pursuant to regulation 35 of the RoC to disclose the Kinyarwanda translation of P-0901's interview when this is completed.⁹ At the time, it was estimated that the translation could be completed on or before 16 March 2015.¹⁰ The Prosecution now confirms that the translation will be completed by 2 April 2015.

⁶ See ICC-01/04-02/06-411-AnxA, para.3(ii).

⁷ See Application, para.35 and ICC-01/04-02/06-473-Conf-Exp with confidential redacted version at ICC-01/04-02/06-473-Conf-Red and public redacted version at ICC-01/04-02/06-473-Red2.

⁸ Advance copies of the transcriptions of P-0901's interview will be provided to the Defence by 20 March 2015. Formal disclosure of these transcriptions and other material relevant to P-0901, except the Kinyarwanda translations of the transcriptions, will be executed by 27 March 2015.

⁹ Application, paras.54-56.

¹⁰ Application, para.54.

Conclusion

9. The Prosecution withdraws its Application to the extent that it relates to material relevant to P-0901. The Prosecution maintains its Application in respect of Witnesses P-0806, P-0888 and P-0911 and will keep the Chamber informed of any relevant changes in circumstances in their regard.



Fatou Bensouda,
Prosecutor

Dated this 19th day of March 2015
At The Hague, The Netherlands