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

Date: **20 March 2015**

TRIAL CHAMBER VI

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR V. BOSCO NTAGANDA***

Public

**Supplemental observations on behalf of Mr Ntaganda following the Chamber's
Order on the disclosure of material related to Witnesses P-0871, P-0876, P-0882,
P-0013, P-0816 and P-0901**

Source: Defence Team of Mr Bosco Ntaganda

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

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Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Further to the “*Order on the disclosure of material related to Witnesses P-0871, P-0876, P-0882, P-0013, P-0816 and P-0901*” issued by Trial Chamber VI (“Chamber”) on 12 March 2015 (“Order”),¹ Counsel representing Mr Ntaganda (“Defence”) hereby submit these:

**Supplemental observations on behalf of Mr Ntaganda following the Chamber’s
Order on the disclosure of material related to Witnesses P-0871, P-0876, P-0882,
P-0013, P-0816 and P-0901**

SUBMISSIONS

Witnesses P-0871, P-0876, P-0882, P-0013 and P-0816

1. On 13 March 2015, the Defence received advance copies of all material related to Prosecution witnesses P-0871, P-0876, P-0882, P-0013 and P-0816.² On 17 March 2015, the Defence received the formal disclosure of these materials (“17 March 2015 Disclosure”).³ The Prosecutor applied to this material the non-standard redactions for which it seeks authorization in its “*Prosecution request for redactions*”.⁴
2. The Defence stresses that the 17 March 2015 Disclosure does not affect in any way its opposition to the Prosecutor’s requests to apply non-standard redactions in relation to witnesses P-0871’s,⁵ P-0876’s,⁶ P-0882’s,⁷ P-0013’s⁸ and P-0816’s⁹ material.

¹ ICC-01/04-02/06-506.

² “Prosecution’s Provision of the Current Status of Disclosure”, ICC-01/04-02/06-517, para.14. The material received from the Prosecution comprises: P-0871’s witness statement (DRC-OTP-2077-0292-R01); P-0871’s screening note (DRC-OTP-2069-0082-R01); P-0876’s witness statement (DRC-OTP-2079-0019-R1); P-0876’s screening note (DRC-OTP-2069-2205-R01); P-0882’s Article 55(2) transcribed statement (DRC-OTP-2081-0110-R01 to DRC-OTP-2081-0474-R01); P-0013’s summary of witness statement (DRC-OTP-2079-0403); P-0816’s narrative summary of witness statement (DRC-OTP-2082-0586).

³ “Prosecution’s Communication of the Disclosure of Evidence and Submission of Rule 77 Inspection Report”, ICC-01/04-02/06-520, para.4.

⁴ ICC-01/04-02/06-462-Red2.

⁵ ICC-01/04-02/06-502-Corr2-Red (“Defence Response”), paras.110-115.

⁶ Defence Response, paras.116-122.

⁷ Defence Response, paras.123-129.

⁸ Defence Response, paras.137-142.

⁹ Defence Response, paras.149-154.

Witness P-0901

3. The Defence takes note of the “*Prosecution withdrawal of its application for delayed disclosure for P-0901*” (“Prosecution Withdrawal”)¹⁰ and the Prosecutor’s undertaking therein to formally disclose to the Defence the transcriptions of P-0901’s interview and other material relevant to P-0901, except the Kinyarwanda translations of the transcriptions, by 27 March 2015.¹¹

4. The Defence takes this opportunity to stress the fact that the Prosecution Withdrawal is further evidence of the reality that as of today, full disclosure of all material in the possession of the Prosecutor – including exhibits the Prosecutor intends to rely on at trial, exhibits material to the preparation of the Defence and exculpatory material – is far from being complete.

RESPECTFULLY SUBMITTED ON THIS 20th DAY OF MARCH 2015



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands

¹⁰ ICC-01/04-02/06-523-Conf.

¹¹ ICC-01/04-02/06-523-Conf, fn.8. The Defence received advanced copies of the transcriptions of P-0901’s interview on 20 March 2015.