

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 August 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***

Confidential *ex parte* Prosecution and Registry only

Decision on request for transfer of part of the case record to Pre-Trial Chamber II

Decision 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 Bosco Ntaganda

Legal Representatives of Victims

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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Others
Pre-Trial Chamber II**

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda* ('Ntaganda case'), having regard to Regulation 22 of the Regulations of the Registry, issues the following 'Decision on request for transfer of part of the case record to Pre-Trial Chamber II'.

1. On 14 August 2015, the Prosecution informed the Chamber that it is currently investigating suspected offences under Article 70 of the Rome Statute in the *Ntaganda* case, and requests the Chamber to order the transfer the relevant part of the *Ntaganda* case record to Pre-Trial Chamber II ('Request').¹ Annex A of the Request contains the list of decisions, filings, transcripts and reports for which it requests this transfer.² The Chamber has been informed that a contemporaneous request has been made by a representative of Pre-Trial Chamber II for access to essentially these same documents.³
2. The Chamber notes that what is requested is merely to give Pre-Trial Chamber II access to certain filings in this case. The Chamber grants the relief sought, emphasising that such a request is administrative in nature and that this transfer is not to be construed as any pre-judgment of Mr Ntaganda or of any alleged Article 70 offences. In the interest of completeness and consistent with the purpose of the relief sought, the Chamber also decides to transfer two related decisions which were filed after the Request was made.⁴

¹ Request for transfer of part of the case record to Pre-Trial Chamber II, ICC-01/04-02/06-781-Conf-Exp (with annex).

² See also Request, ICC-01/04-02/06-781-Conf-Exp, para. 7 (relief sought also includes 'annexes, corrigenda and/or redacted versions of the items listed in Annex A').

³ Email from a Legal Officer of Pre-Trial Chamber II to the Registry, 14 August 2015 at 16:55 (forwarded to this Chamber by the Registry).

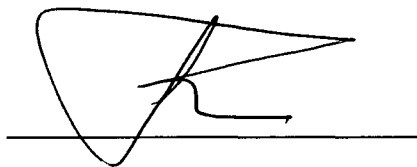
⁴ Decision on Prosecution requests to impose restrictions on Mr Ntaganda's contacts, 18 August 2015, ICC-01/04-02/06-785-Conf-Exp (and its public redacted version); Decision on restrictions in relation to certain detainees, 18 August 2015, ICC-01/04-02/06-786-Conf-Exp (and all its redacted versions; notified 19 August 2015).

THE CHAMBER HEREBY

GRANTS the relief sought in the Request; and

ORDERS the Registry to transfer the filings identified in Annex A of the Request to the *Situation in the Democratic Republic of the Congo* record, along with any annexes, corrigenda and/or redacted versions of these items, as well as the decisions identified in paragraph 2, footnote 4 above.

Done in both English and French, the English version being authoritative.



Judge Robert Fremr, Presiding Judge



Judge Kuniko Ozaki



Judge Chang-ho Chung

Dated 19 August 2015

At The Hague, The Netherlands