

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06
Date: 24 September 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

Public redacted version of "Third Prosecution request for in-court protective measures," 18 September 2015, ICC-01/04-02/06-843-Conf-Exp

Source: The 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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

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Mr Herman von Hebel

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Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution requests in-court protective measures for Prosecution Witness P-0768, [REDACTED], as provided for in rule 87 of the Rules of Procedure and Evidence.
2. The protective measures will ensure this Prosecution witness is able to give evidence without fear for his personal safety or that of his family members. The measures sought appropriately balance the Accused's right to a fair and public hearing under articles 64(2) and 67(1) of the Statute, against the need to protect victims and witnesses appearing before the Court, pursuant to articles 64(2), 68(1) and 68(2) of the Statute. The measures sought do not unfairly prejudice the rights of the Accused as he has been provided with the name and identifying information of this witnesses; he will remain anonymous to the public only.

Confidentiality

3. This request is classified as "Confidential, *ex parte*" pursuant to regulation 23bis(1) and (2) of the Regulations of the Court as it provides information about protective measures and witness security and because it refers to information provided in filings of the same classification. The Prosecution will file a confidential and public redacted version of this filing.

Prosecution's Submissions

4. The Prosecution requests facial distortion, voice distortion and the use of a pseudonym during the testimony of Prosecution Witness P-0768. He was [REDACTED] in the UPC/FPLC [REDACTED] evidence about the charges against the Accused. He [REDACTED] the attack on Mongbwalu and neighbouring villages in the Banyali-Kilo *collectivité* in November 2002 for

which the Accused is charged, and [REDACTED] about the Accused's role in this attack and the crimes committed by the Accused and members of the UPC/FPLC forces. Prosecution Witness P-0768 [REDACTED] about the attack on Lipri, Bambu and Kobu and the surrounding villages in the Walendu-Djatsi *collectivité* in February 2003, for which the Accused is charged. [REDACTED] evidence about the recruitment and use of children under the age of 15 in the UPC/FPLC, and sexual violence perpetrated against these children. This witness [REDACTED] about the Accused's role in the UPC/FPLC and his position of authority and role in planning military operations. He is expected to provide unique and important evidence about the crimes charged against the Accused.

5. [REDACTED]. [REDACTED]. [REDACTED].¹
6. [REDACTED].² [REDACTED].³
7. Prosecution Witness P-0768 is highly identifiable on the basis of the unique and important evidence he provides [REDACTED]. Moreover, [REDACTED].⁴ Revealing his identity publically would heighten the risk to him and his family members. As such, in-court protective measures are necessary. [REDACTED].
8. Implementing the requested protective measures during trial will likely obviate the need for additional and more intrusive protective measures to be applied upon the completion of his testimony.

¹ [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

Request

9. The Prosecution requests that the Chamber grant in-court protective measures to Prosecution Witness P-0768 in the form of facial distortion, voice distortion and the use of a pseudonym during the testimony.



Fatou Bensouda, Prosecutor

Dated this 24th day of September 2015
At The Hague, The Netherlands