



Original: **English**

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

Date: **2 October 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 “Request on behalf of Mr Ntaganda seeking the admission of certain documents following the testimony of Witness 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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(Participation / Reparation)**

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Amicus Curiae

REGISTRY

Registrar

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Further to the oral instruction issued by Trial Chamber VI (“Chamber”) on 25 September 2015,¹ Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

**Request on behalf of Mr Ntaganda seeking the admission of certain documents
following the testimony of Witness P-0901**

“Defence Request”

INTRODUCTION

1. Witness P-0901 was cross-examined by the Defence on 22, 24 and 25 September 2015.
2. On 25 September 2015, following cross-examination, the Defence requested the admission into evidence of certain documents shown to and/or discussed with Witness P-0901 in the course of cross-examination.²
3. By way of e-mail, the Prosecution indicated that it has no objection to the admission of documents by the Defence following the testimony of Witness P-0901.³
4. At the beginning of the afternoon session, the Chamber directed the Defence to file a written request identifying – per item for which admission is sought – the scope of admission.⁴
5. Pursuant to the Chamber’s instruction, the Defence hereby submits its request for admission of certain documents shown to and/or discussed with Witness P-0901 specifying the scope of admission per item.
6. The Defence shares the Chamber’s view that requests for admission of documents into evidence should be made on an item-by-item basis, as it

¹ T-32-CONF-ENG, p.64, ll.2-3 (open session).

² T-32-CONF-ENG, p.60, ll.2-14 (open session).

³ Email sent by Ms Nicole Samson, 25 September 2015, 13:40.

⁴ T-32-CONF-ENG, p.54, ll.2-3 (open session).

facilitates the other party's consideration of the request as well as the Chamber's adjudication of the same. The Defence undertakes to proceed this way for the forthcoming witnesses.

SUBMISSIONS

7. Having carefully reviewed the transcripts of Witness P-0901's cross-examination – and taking into consideration that when referring to his interview with Prosecution investigators from [REDACTED], excerpts thereof were read into the record – the Defence limits its request for admission into evidence of Witness P-0901's previous statement to the following excerpts:
 - a. DRC-OTP-2079-1557, pages 1568 and 1569;⁵
 - b. DRC-OTP-2079-1770, pages 1775 to 1779;⁶ and
 - c. DRC-OTP-2079-1921, page 1937.⁷
8. Furthermore, regarding the scope of admission of these three excerpts, the Defence hereby requests that these excerpts be admitted into evidence for the sole purpose of impeachment and not for the truth of their contents.
9. The Defence considers that admission into evidence of the other excerpts used when questioning Witness P-0901 is not necessary.
10. In addition, the Defence seeks the admission into evidence of page 0008 of DRC-OTP-0017-0003 (as well as its French translation, namely page 0056 of DRC-OTP-2055-0050).⁸ Like for the three excerpts of Witness P-0901's previous statement, the Defence requests the admission into evidence of these two documents for the sole purpose of impeachment and not for the truth of their contents.

⁵ Discussed at: T-30-CONF-ENG, p.66, ll.2 and ss (private session).

⁶ Discussed at: T-31-CONF-ENG, p.50, ll.7 and ss (private session).

⁷ Discussed at: T-32-CONF-ENG, p.15, ll.20 and ss (private session).

⁸ Discussed at: T-32-CONF-ENG, p.11, ll.23 and ss (private session).

11. Finally, the Defence seeks the admission into evidence of the following documents: DRC-OTP-0151-0299,⁹ DRC-OTP-0016-0260.¹⁰

RELIEF SOUGHT

In light of the above submissions, the Defence respectfully requests the Chamber to:

ADMIT into evidence the documents listed in paragraph 7 and 10 above for the sole purpose of impeachment and not for the truth of their contents; and

ADMIT into evidence the documents listed in paragraph 11 above.

RESPECTFULLY SUBMITTED ON THIS 2ND DAY OF OCTOBER 2015



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

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⁹ Discussed at: T-32-CONF-ENG, p.25, ll.23 and ss (private session).

¹⁰ Discussed at: T-32-CONF-ENG, p. 26, ll.19 and ss (private session).