

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **9 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
with Confidential Annexes 1-7**

**Prosecution's second submission on the issuance of Public Redacted Versions
of the 'underlying filings' related to the witness interference litigation, as
ordered by Trial Chamber VI under ICC-01/04-02/06-785-Red**

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

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Prosecution's Submissions

1. The Office of the Prosecutor ("Prosecution") submits the proposed public redacted versions ("PRVs") of seven of the eleven filings identified by Trial Chamber VI ("Chamber") in its order concerning the witness interference litigation.¹

Procedural History

2. On 18 August 2015, the Chamber ordered the Parties to "prepare public redacted versions of their underlying filings" concerning the witness interference litigation.²
3. On 25 September 2015, the Prosecution implemented redactions, "mindful of the information kept confidential by the Chamber"³ and provided Defence Counsel with the opportunity to consult on the redactions, communicating the 11 PRVs *via* email to members of the Defence team.⁴
4. On 30 September 2015, the Defence requested an extension of the time-limit for the filing of these PRVs.⁵ It further informed the Prosecution that it agreed with the proposed PRVs of Prosecution filings numbers 727, 735, 775 and 780.⁶ The Prosecution therefore submitted the PRVs of these four filings to the Chamber, on a confidential basis on the same day.⁷

¹ ICC-01/04-02/06-785-Red, para. 71 (refers to filings delineated earlier in the same decision at paras. 1-22). This Chamber pinpointed these filings as the following 11 items: ICC-01/04-02/06-349-Conf-Exp; ICC-01/04-02/06-368-Conf; ICC-01/04-02/06-371-Conf-Exp; ICC-01/04-02/06-635-Conf-Exp; ICC-01/04-02/06-724-Conf-Exp; ICC-01/04-02/06-725-Conf-Exp; ICC-01/04-02/06-727-Conf-Exp; ICC-01/04-02/06-735-Conf-Exp; ICC-01/04-02/06-738-Conf-Exp; ICC-01/04-02/06-775-Conf-Exp; and, ICC-01/04-02/06-780-Conf-Exp.

² ICC-01/04-02/06-785-Red, para. 71.

³ ICC-01/04-02/06-785-Red, para. 71.

⁴ Email sent by the Prosecution to the Defence on 25 September 2015 at 09:11, with the 11 PDF attachments of the proposed redacted filings and a request for Defence Counsel comments, if any.

⁵ ICC-01/04-02/06-876.

⁶ Email sent by the Defence to the Prosecution on 30 September 2015 at 14:32.

⁷ ICC-01/04-02/06-877.

5. Between 4 and 8 October 2015, the Defence and the Prosecution agreed on the proposed redactions to the remaining seven Prosecution filings, namely filing numbers 349, 368, 371, 635, 724, 725 and 738.
6. Accordingly, the Prosecution submits the proposed PRVs of the remaining seven filings in Confidential Annexes 1-7.⁸

Confidentiality

7. This submission is classified as “Public, with Confidential Annexes” pursuant to regulation 23bis(1) and (2) of the Regulations of the Court as it refers to information provided in filings of the same classification.
8. Annexes 1-7 are submitted as Confidential pending the Chamber’s final determinations on the PRVs.

Request

9. Based on the foregoing, the Prosecution requests that the Chamber approve the filings contained in Annexes 1-7 as PRVs.



Fatou Bensouda,
Prosecutor

Dated this 9th day of October 2015
At The Hague, The Netherlands

⁸ ICC-01/04-02/06-785-Red, para. 71.