



Original: English

No.: ICC-01/04-02/06
Date: 19 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 Document

With

**Confidential, *EX PARTE* Annexes 1 and 2 – only available to the Prosecution,
Lubanga Defence, OPCV, VWU, Legal Representatives of Victims V01 and V02 in
the *Lubanga* case**

**Addendum to “Prosecution’s further observations on the ‘Order on Defence access
to confidential materials in the *Lubanga* case’ issued by Trial Chamber VI,
ICC-01/04-02/06-806”, 12 October 2015, ICC-01/04-02/06-898**

Source: 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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of the Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Counsel for the Defence of Thomas
Lubanga
Legal Representative of Victims V01
Legal Representative of Victims V02

1. The Office of the Prosecutor (“Prosecution”) informs Trial Chamber VI (“Chamber”) that after filing its latest observations on the order on Defence access to confidential materials in the *Lubanga* case it realised that it is necessary to make the following amendments to the lists of confidential materials from the *Lubanga* case to which the Defence should not be given access:

- (a) one item should be removed from the list of confidential exhibits admitted into evidence in the *Lubanga* case to which the Defence should not be given access, because it relates to P-0010, who is a Prosecution witness in the case. The item had gone unnoticed to the Prosecution through oversight;¹
- (b) five transcripts of testimony of Prosecution witnesses from the *Lubanga* trial² should be added to the list of items to which the Defence should not get access, because such access would nullify the redactions applied in this case in compliance with the Protocol Establishing a Redaction Regime in the Case of *The Prosecutor v. Bosco Ntaganda*;³ and
- (c) six items should be added to the list of confidential decisions and submissions by the Parties and Participants to which the Defence should not get access, because they relate to victims whose Legal Representatives have requested that their identities not be revealed.

2. Accordingly, the Prosecution files, in Confidential, *Ex parte* Annexes 1 and 2, the amended lists of (i) confidential exhibits admitted into evidence in the *Lubanga* case and (ii) other confidential materials from the *Lubanga* case to which the Defence should not be given access. These lists should replace Confidential, *Ex*

¹ Possibly because its evidence registration number in eCourt is malformed: DRC-PVC-0001-0007, retrievable in eCourt as DRC.PCV.0001.0007.

² The ten transcripts have already been disclosed to the Defence.

³ ICC-01/04-02/06-411-AnxA.

parte Annexes 1 and 3 to the “Prosecution’s further observations on the ‘Order on Defence access to confidential materials in the Lubanga case’ issued by Trial Chamber VI, ICC-01/04-02/06-806”, respectively.

Procedural Background

3. The Prosecution incorporates, by reference, the procedural background included in the “Prosecution’s further observations on the ‘Order on Defence access to confidential materials in the Lubanga case’ issued by Trial Chamber VI, ICC-01/04-02/06-806”, filed on 12 October 2015.⁴

Confidentiality

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annexes 1 and 2 to this filing are filed *Ex Parte*, available only to the Prosecution, *Lubanga* Defence, OPCV, VWU, Legal Representatives of Victims V01 and V02 in the *Lubanga* case because they identify materials for which the Prosecution seeks non-disclosure to the Defence.



Fatou Bensouda, Prosecutor

Dated this 19th day of October 2015

At The Hague, The Netherlands

⁴ ICC-01/04-02/06-898, paras.2-10.