



Original: **English**

No.: ICC-01/04-02/06
Date: **27 November 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 1-13**

**Submissions on behalf of Mr Ntaganda of redaction proposals on the Defence's
'underlying filings' related to the witness interference litigation**

Source: Defence Team of Mr Bosco Ntaganda

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

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Legal Representatives of Victims

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Legal Representatives of Applicants

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

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Further to the “*Decision on Prosecution requests to impose restrictions on Mr Ntaganda’s contacts*” issued by Trial Chamber VI (“Chamber”) on 18 August 2015 (“Decision”),¹ and the Decision of the Chamber granting an extension of deadline for submission of redaction proposals on the Defence’s underlying filings, via electronic correspondence, until 27 November 2015,² Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

**Submissions on behalf of Mr Ntaganda of redaction proposals on the Defence’s
‘underlying filings’ related to the witness interference litigation**

“Defence Submissions”

SUBMISSIONS

1. Pursuant to the Chamber’s Decision, the Defence has identified 13 underlying filings, namely filings 360, 379, 421, 446, 511, 533, 568, 625, 707, 719, 733, 759 and 770.
2. On 20 November 2015, the Defence implemented redactions, where necessary, to nine of its 13 underlying filings and provided the Prosecution with an opportunity to provide observations on the proposed redactions.³ The Prosecution responded on 24 November 2015 and on the same day, the parties agreed on the proposed redactions.
3. On 25 November 2015, the Defence implemented redactions to its four remaining underlying filings and provided the Prosecution with an opportunity to provide observations on the proposed redactions.⁴ The Prosecution responded on 26 November 2015 and on the same day, the parties agreed on the proposed redactions.

¹ ICC-01/04-02/06-785-Red.

² Email from Clare Lawson to the Defence, 1 October 2015, 12:33.

³ Email from Stéphane Bourgon to Nicole Samson, 20 November 2015, 18:49.

⁴ Email from Stéphane Bourgon to Nicole Samson, 25 November 2015, 14:10.

4. Accordingly, the Defence hereby submits the proposed redactions to seven of its 13 underlying filings in Confidential Annexes 1, 2, 6 to 8, 12 and 13.
5. The Defence submits that the remaining filings, namely filings 421, 446, 511, 707, 719 and 733 contained in annexes 3 to 5 and 9 to 11 respectively, do not require any redactions. Thus, the Defence respectfully requests that these filings be reclassified as public.
6. Annexes 1-13 are submitted as Confidential pending the Chamber's final determination on the Public Redacted Versions.

RELIEF SOUGHT

7. In light of the above submissions, the defence respectfully request the chamber to:

APPROVE the filings contained in annexes 1, 2, 6 to 8, 12 and 13 as public redacted versions.

RECLASSIFY filings contained in annexes 3 to 5 and 9 to 11 as public.

RESPECTFULLY SUBMITTED ON THIS 27TH DAY OF NOVEMBER 2015



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands