

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/04-02/06
Date: 17 December 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 redacted version of

Order on public redacted versions of filings pertaining to the restrictions litigation

Order 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 Bosco Ntaganda

Mr Stéphane Bourgon

Mr Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet

Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Regulation 23bis(3) of the Regulations of the Court ('Regulations'), issues the following 'Order on public redacted versions of filings pertaining to the restrictions litigation'.

1. On 18 August 2015, the Chamber issued the 'Decision on Prosecution request to impose restrictions on Mr Ntaganda's contacts' ('Decision on Restrictions'), in which it, *inter alia*, ordered the Office of the Prosecutor ('Prosecution') and the defence team for Mr Ntaganda ('Defence') to file public redacted versions of certain filings pertaining to the restrictions litigation by the end of September 2015.¹
2. On 30 September 2015, the Prosecution submitted confidentially four proposed public redacted versions, which had been agreed with the Defence. The Prosecution requests that the Chamber accept the proposed redactions.²
3. On the same day, the Defence filed a request for extension of time limit to file public redacted versions of its filings.³
4. On 1 October 2015, the Chamber granted the Defence an extension of time until 27 November 2015 to file public redacted versions of its filings.⁴
5. On 9 October 2015, the Prosecution submitted proposed redacted versions of seven further filings, having agreed on them with the Defence.⁵

¹ ICC-01/04-02/06-785-Conf-Exp, in particular at paragraph 71. A public redacted version was filed on the same day (ICC-01/04-02/06-785-Red).

² Prosecution's 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, ICC-01/04-02/06-877.

³ Urgent motion on behalf of Mr Ntaganda requesting an extension of the time limit to prepare public redacted versions of underlying filings pursuant to the Decision on Prosecution requests to impose restrictions on Mr Ntaganda's contacts, ICC-01/04-02/06-876.

⁴ Email communication from Legal Officer of the Chamber to parties on 1 October 2015 at 12:33.

⁵ 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, ICC-01/04-02/06-893.

6. On 27 November 2015, the Defence submitted proposed redacted versions of its filings. The Defence submits that six of its 13 filings do not require redactions and can be reclassified as public.⁶
7. In respect of the Prosecution's proposed public redacted versions the Chamber considers that a limited number of additional redactions should be applied:
 - In filing ICC-01/04-02/06-349-Conf-Exp,⁷ the Chamber directs that the third sentence of of paragraph 23 be redacted;
 - In filing ICC-01/04-02/06-727-Conf-Exp,⁸ in line with the Chamber's Decision on Restrictions,⁹ the Chamber directs that the number of named individuals be redacted throughout;
 - In filing ICC-01/04-02/06-738-Conf-Exp,¹⁰ the Chamber directs that: (i) the number of named individuals at paragraph 17; (ii) the word [REDACTED] in the second sentence of paragraph 24; (iii) the word [REDACTED] in footnote 27; (iv) the words [REDACTED] and [REDACTED] in the second sentence of paragraph 26; and (v) the content of footnote 39 be redacted; and
 - In filing ICC-01/04-02/06-780-Conf-Exp,¹¹ the Chamber directs the Prosecution to apply redactions to the words [REDACTED] in the first sub-title (immediately preceding paragraph 5). The Chamber indeed considers that the Prosecution appropriately suggests to redact similar information in filing ICC-01/04-02/06-775-Conf-Exp;¹²

⁶ Submissions on behalf of Mr Ntaganda of redaction proposals on the Defence's 'underlying filings' related to the witness interference litigation, ICC-01/04-02/06-1038.

⁷ ICC-01/04-02/06-893-Conf-Anx1.

⁸ ICC-01/04-02/06-877-Conf -Anx1.

⁹ Decision on Restrictions, ICC-01/04-02/06-785-Red, paras 12, 16 and 67.

¹⁰ ICC-01/04-02/06-893-Conf-Anx7.

¹¹ ICC-01/04-02/06-877-Conf -Anx4.

¹² ICC-01/04-02/06-877-Conf -Anx3, paras 2(ii) and 12. [REDACTED].

8. With regard to the Defence's filings, the Chamber considers that a limited number of additional redactions shall be applied in filing ICC-01/04-02/06-759-Conf-Exp.¹³ Therefore, the Chamber directs the Defence to redact: (i) the words 'old man' at paragraphs 1, 27 and 28; (ii) as of the words [REDACTED] at paragraph 19 until the end of the paragraph, including footnotes contained therein; (iii) paragraph 20 in its entirety; (iv) the sentence contained in footnote 79; and (v) the word [REDACTED] at paragraph 65.
9. Finally, the Chamber considers that Defence filings ICC-01/04-02/06-421-Conf-Exp, ICC-01/04-02/06-446-Conf-Exp, ICC-01/04-02/06-511-Conf-Exp, ICC-01/04-02/06-707-Conf-Exp, ICC-01/04-02/06-719-Conf-Exp and ICC-01/04-02/06-733-Conf-Exp may be reclassified as public.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

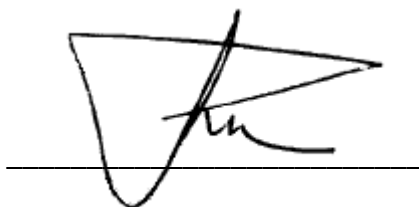
DIRECTS the Prosecution to file redacted versions of its filings, in accordance with the Chamber's directions at paragraph 7;

DIRECTS the Defence to file redacted versions of its filings in accordance with the Chamber's directions at paragraph 8; and

INSTRUCTS the Registry to reclassify filings ICC-01/04-02/06-421-Conf-Exp, ICC-01/04-02/06-446-Conf-Exp, ICC-01/04-02/06-511-Conf-Exp, ICC-01/04-02/06-707-Conf-Exp, ICC-01/04-02/06-719-Conf-Exp and ICC-01/04-02/06-733-Conf-Exp as public.

¹³ ICC-01/04-02/06-1038-Conf-Anx12.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a smaller, cursive 'r', written over a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to be 'K. Ozaki', written over a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, consisting of three distinct, stylized characters, written over a horizontal line.

Judge Chang-ho Chung

Dated 17 December 2015

At The Hague, The Netherlands