

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
Date: 9 February 2016

**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 A and B**

**Prosecution submission of the death certificate of Witness P-0103**

**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**

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Mr James Stewart  
Ms Nicole Samson

**Counsel for the Defence**

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**Legal Representatives of the Victims**

Ms Sarah Pellet  
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**Legal Representatives of the 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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations Section    Other Section**

## Introduction

1. Pursuant to Trial Chamber VI's ("Chamber") instruction that the Office of the Prosecutor ("Prosecution") further substantiate its allegation that Witness P-0103 is dead,<sup>1</sup> the Prosecution submits the death certificate of Prosecution Witness P-0103.

## Procedural History

2. On 28 June 2015, the Prosecution submitted a request under rule 68(2)(c) of the Rules of Procedure and Evidence ("Rules") to admit statements and related documents of three deceased witnesses, including Prosecution Witness P-0103 ("Request").<sup>2</sup>
3. On 20 July 2015, the Defence submitted its response in which it opposed the Request.<sup>3</sup>
4. On 27 August 2015, the Prosecution filed its reply to the Defence response.<sup>4</sup>
5. On 20 November 2015, the Chamber issued its decision on the Prosecution Request and ordered the Prosecution to further substantiate its allegation that Witness P-0103 is dead.<sup>5</sup>

## Confidentiality

6. This submission is classified as "Public, with Confidential Annexes" pursuant to regulation 23*bis* (1) of the Regulations of the Court because it provides information that reveals the identity of a Prosecution witness.

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<sup>1</sup> ICC-01/04-02/06-1029, para. 43.

<sup>2</sup> ICC-01/04-02/06-659-Conf.

<sup>3</sup> ICC-01/04-02/06-736-Conf-Exp.

<sup>4</sup> ICC-01/04-02/06-796-Conf-Exp.

<sup>5</sup> ICC-01/04-02/06-1029, para. 43.

### Submission

7. Attached to this filing is the death certificate of Prosecution Witness P-0103 issued by the hospital where he died.<sup>6</sup> The Prosecution also attaches an investigator's note that details a conversation with Prosecution Witness P-0103's wife in which she explained that the date of death she initially provided the Prosecution in her statement was incorrect (November 2010).<sup>7</sup> She further confirms that the date on the death certificate is correct (November 2009).<sup>8</sup>

### Conclusion

8. Pursuant to the Chamber's order, the Prosecution submits Prosecution Witness P-0103's death certificate and requests that the Chamber consider this document when deciding upon the admissibility of Prosecution Witness P-0103's statement and related documents submitted under rule 68(2)(c) of the Rules.



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Fatou Bensouda, Prosecutor

Dated this 9<sup>th</sup> day of February 2016  
At The Hague, the Netherlands

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<sup>6</sup> Annex A: DRC-OTP- 2090-0435.

<sup>7</sup> DRC-OTP-2085-0038, para. 13.

<sup>8</sup> Annex B: DRC-OTP-2090-0437.