

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **14 April 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

Public redacted version of “Prosecution’s Twelfth request for in-court protective measures”, 22 March 2016, ICC-01/04-02/06-1224-Conf-Exp

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

Introduction

1. The Prosecution requests in-court protective measures in the form of facial and voice distortion as well as the use of a pseudonym for Witnesses P-0907 and P-0887, as provided for in rule 87 of the Rules of Procedure and Evidence.
2. Witnesses P-0907 and P-0887 are [REDACTED]. They will be the sixth and seventh witnesses, respectively, to testify in the fourth evidence block, scheduled to commence on 4 April 2016. The protective measures sought will ensure that Witnesses P-0907 and P-0887 are able to give evidence without fear for their personal security or that of their family members.
3. The measures sought appropriately balance the Accused's right to a public hearing under article 67(1) of the Statute, against the need to protect witnesses appearing before the Court, pursuant to articles 64(2), [REDACTED] of the Statute.

Confidentiality

4. This request is classified as "Confidential, *ex parte* – only available to the Prosecution, the Legal Representative for Victims of the Attacks and Victims and Witnesses Unit" pursuant to regulation 23*bis* (1) of the Regulations of the Court as it provides information dealing with protective measures and [REDACTED]. The Prosecution will file confidential and public redacted versions.

Prosecution's Submissions

P-0907

5. The Prosecution requests facial distortion, voice distortion and the use of a pseudonym during the testimony of Witness P-0907, a [REDACTED] in the

period of the charges. P-0907 has been the [REDACTED] testifying for the Prosecution.

6. The Prosecution obtained information that in [REDACTED].¹ [REDACTED],² [REDACTED]³ [REDACTED].
7. P-0907 told Office of the Prosecutor (“OTP”) investigators that [REDACTED].⁴ P-0907 told OTP investigators he was conflicted about meeting with [REDACTED].⁵ [REDACTED].⁶ [REDACTED].⁷
8. P-0907 told OTP investigators that [REDACTED].⁸
9. P-0907 informed OTP investigators [REDACTED]⁹ [REDACTED].¹⁰ [REDACTED].¹¹ [REDACTED].¹²
10. P-0907 feared that if his [REDACTED].¹³ [REDACTED].¹⁴ [REDACTED].¹⁵
11. P-0907 was [REDACTED].
12. In October 2015, OTP investigators spoke with P-0907 [REDACTED].¹⁶ [REDACTED].¹⁷ [REDACTED].¹⁸ [REDACTED].¹⁹

¹ [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ [REDACTED].

¹⁸ [REDACTED].

13. [REDACTED].²⁰ [REDACTED].²¹ [REDACTED].²²

14. [REDACTED].²³ [REDACTED].²⁴

15. P-0907 is [REDACTED].²⁵ For these reasons, the Prosecution requests in-court protective measures in the form of facial and voice distortion as well as the use of a pseudonym for Witness P-0907.

P-0887

16. The Prosecution requests facial distortion, voice distortion and the use of a pseudonym during the testimony of Witness P-0887. The Witness, who also [REDACTED]²⁶ [REDACTED].

17. In late 2003, [REDACTED].²⁷ [REDACTED].

18. [REDACTED].

19. [REDACTED]. The protective measures sought will ensure P-0887 is able to give evidence without fear for her personal safety and security or that of her family members, [REDACTED].

20. The Prosecution submits that granting the use of a pseudonym in concert with facial and voice distortion is necessary to adequately protect Witnesses P-0907 and P-0887 and ensure their safety, security, psychological well-being, dignity

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ [REDACTED].

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED].

²⁶ [REDACTED].

²⁷ [REDACTED].

and privacy during and after their testimony. The Chamber has found reasonable grounds to believe that the Accused [REDACTED].²⁸

21. In the Decision on the [REDACTED] the Chamber found that [REDACTED].²⁹
22. Granting the use of a pseudonym alone would not suffice to protect P-0907 and P-0887, as unprotected witnesses' images are easily accessible to a vast public on a worldwide scale, thus maximising the risk of their identification. The dissemination of the video image or voice of P-0907 or P-0887 would increase the risk that they could be identified. This necessitates the use of a pseudonym in combination with face and voice distortion for both.
23. The Chamber has previously found that [REDACTED].³⁰

Request

24. The Prosecution requests that the Chamber grant in-court protective measures for Prosecution Witnesses P-0907 and P-0887 in the form of facial distortion, voice distortion and the use of a pseudonym during their testimony.



Fatou Bensouda
Prosecutor

Dated this 14th day of April 2016
At The Hague, The Netherlands

²⁸ ICC-01/04-02/06-785-Red, para. 55.

²⁹ ICC-01/04-02/06-1061-Conf-Exp-Red, para. 24.

³⁰ ICC-01/04-02/06-905-Conf, para. 8.