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

Date: 21 July 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, *EX PARTE*, only available to Prosecution
and VWU Annexes I and A to D,
Confidential Annex II
and Public Annex III**

**Prosecution's submission of its response to the "Application on behalf of Mr
Ntaganda seeking disclosure of the identity of Prosecution Intermediary
P-0154" (ICC-01/04-02/06-1435-Conf)**

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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and Reparations
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Other

Introduction

1. The Prosecution files its response to the Defence application seeking disclosure of the identity of Prosecution Intermediary P-0154,¹ pursuant to Trial Chamber VI's ("Chamber") oral decision of 6 July 2016.²

Confidentiality

2. Pursuant to regulation 23 *bis* of the Regulations of the Court, Annexes I and A to D, are filed as confidential, *ex parte*, only available to Prosecution and VWU, as they contain security related information concerning a Prosecution intermediary; and Annex II is filed as confidential, as it contains identifying information concerning the Prosecution intermediary and Prosecution witnesses.

Procedural history

3. On 4 July 2016, the Defence sought the disclosure of the identity of Prosecution Intermediary P-0154 ("Defence Application").³
4. On 4 July 2016, the Chamber directed that any responses to the Defence Application be provided *via* email, on an *ex parte* basis if needed, by 6 July 2016, midday.⁴
5. On 6 July 2016, the Prosecution sent its response to the Defence Application ("Response") to the Chamber, *ex parte*.⁵ The Prosecution provided a confidential redacted version of its Response to the Defence.⁶

¹ ICC-01/04-02/06-1435-Conf.

² ICC-01/04-02/06-T-115-CONF-ENG ET, p. 42, ll. 6-11.

³ ICC-01/04-02/06-1435-Conf.

⁴ Email from the Chamber to the Parties and participants, 4 July 2016, 15:28.

⁵ Email from the Prosecution to the Chamber, 6 July 2016, 12:02.

⁶ Email from the Prosecution to the Defence, 6 July 2016, 15:08.

6. On 6 July 2016, the Chamber ordered the Prosecution to disclose the identity of Intermediary P-0154 and to file its Response in the record of the case.⁷

Submissions

7. The Prosecution accordingly annexes the *ex parte*,⁸ confidential⁹ and public¹⁰ redacted versions of its Response.



Fatou Bensouda
Prosecutor

Dated this 21st day of July 2016
At The Hague, The Netherlands

⁷ ICC-01/04-02/06-T-115-CONF-ENG ET, p. 42, ll.8-10.

⁸ Annex I and A-D.

⁹ Annex II.

¹⁰ Annex III.