



Original: **English**

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

**Public Redacted Version of “Response on behalf of Mr Ntaganda to
“Prosecution’s twenty-first request for in-court protective and special measures”
dated 23 June 2016 (ICC-01/04-02/06-1419-Conf)**

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

Me Stéphane Bourgon
Me Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Further to: (i) the confidential redacted, *ex parte* version of the “Prosecution’s twenty-first request for in-court protective and special measures” submitted by the Office of the Prosecutor (“Prosecution”) on 14 June 2016 (“Prosecution Request”);¹ and (ii) the “Supplemental decision on matters related to the conduct of proceedings” issued by Trial Chamber VI (“Chamber”) on 27 May 2016,² Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

Response on behalf of Mr Ntaganda to “Prosecution’s twenty-first request for in-court protective and special measures”

“Defence Response”

1. The Defence does not oppose the Prosecution’s request that Witness P-0769 be granted in-court protective measures in the form of voice and face distortion as well as the use of a pseudonym. This is without prejudice, however, to the Defence’s ability to challenge in cross-examination all aspects of Witness P-0769’s credibility, including [REDACTED]. The Defence further takes issue with the Prosecution’s insinuation [REDACTED],³ which rests on mere speculation.
2. With respect to the discrete special measure additionally requested by the Prosecution – regular breaks during testimony – the Defence has no objection.

¹ ICC-01/04-02/06-1397-Conf-Exp-Red, which was notified on 15 June 2016.

² ICC-01/04-02/06-1342.

³ Prosecution Request, para.10.

CONFIDENTIALITY

3. Pursuant to Regulations 23*bis* (1) and (2) of the Regulations of the Court, this Defence Response is classified as confidential, as it responds to a filing bearing the same classification.

RESPECTFULLY SUBMITTED ON THIS 21ST DAY OF JULY 2016

A handwritten signature in black ink, appearing to read 'StB' with a stylized flourish at the end.

Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands