

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

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

**Date: 11 October 2016**

**TRIAL CHAMBER VI**

**Before:** Judge Robert Fremr, Presiding Judge  
Judge Kuniko Ozaki  
Judge Geoffrey Henderson

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Public redacted version of**

**“Fourth Report on the post-factum review of the phone conversations made by  
Mr Ntaganda” (ICC-01/04-02/06-1303-Conf-Exp)**

**Source:** Registry

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**

Mr Stéphane Bourgon  
Mr Luc Boutin  
Mr Christopher Gosnell

**Legal Representatives of the Victims**

Ms Sarah Pellet  
Mr Dmytro Suprun

**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**

**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Patrick Craig

**Victims Participation and Reparations  
Section**

**Other**

## Introduction

1. The Registry submits this report and its related annexes pursuant to the “Decision on Prosecution requests to impose restrictions on Mr Ntaganda’s contacts”, issued by Trial Chamber VI (the “Trial Chamber”) on 18 August 2015 (“Decision”).<sup>1</sup> The Trial Chamber directed the Registry to submit this report by 29 April 2016.<sup>2</sup> As Mr Ntaganda has not received any non-privileged visits, this report relates only to the active monitoring of Mr Ntaganda’s telephone communications.

## Classification

2. In accordance with regulation 23*bis*(1) of the Regulations of the Court, the present report and related Annexes I to IV are classified as confidential *ex parte*, Defence and Registry only, as per the Trial Chamber’s order.<sup>3</sup>

## Submissions

### *Preliminary Remarks*

3. In its Decision, the Trial Chamber decided to maintain the restrictions on Mr Ntaganda’s communications as imposed by its previous “Decision on the Prosecution’s request for restriction on contacts and the Defence request for access to logs”<sup>4</sup> and a subsequent order on active monitoring.<sup>5</sup> In addition, it imposed the following restrictions:<sup>6</sup>
  - (i) to continue the active monitoring of non-privileged telephone calls to a limited number of persons for a maximum of one hour a week and restrict Mr Ntaganda’s phone contact to two family members,

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<sup>1</sup> ICC-01/04-02/06-785-Conf-Exp.

<sup>2</sup> Email by Trial Chamber VI to the Registry on 01 April 2016 at 20:56.

<sup>3</sup> ICC-01/04-02/06-785-Conf-Exp, para. 68.

<sup>4</sup> ICC-01/04-02/06-785-Conf-Exp, para. 3, footnote 5.

<sup>5</sup> ICC-01/04-02/06-785-Conf-Exp, para. 6, footnote 9.

<sup>6</sup> ICC-01/04-02/06-785-Conf-Exp, paras 60, 63 to 66.

including [REDACTED] pending reinstatement  
[REDACTED] following a complaint before  
the Registrar;

- (ii) not to use coded language during non-privileged phone calls and only converse about private or family matters. In no circumstance may any case-related matters, including possible evidence or witnesses, whether appearing for the Prosecution or the Defence, be discussed;
- (iii) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- (iv) Mr Ntaganda is authorised to record messages for his children that can be played to them following a review of their content by the Registry.

4. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Mr. Ntaganda was also notified of a new time schedule for the monitoring of his non-privileged phone calls, namely on Tuesdays from 16:00 to 17:00 and Fridays from 9.30 to 10:30.<sup>9</sup>

*Review of the four conversations which were terminated between 13 November 2015 and 4 March 2016*

[REDACTED]

[REDACTED]

6. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>11</sup> Confidential *ex parte* Annex II.

<sup>12</sup> Confidential *ex parte* Annex III.

<sup>13</sup> Confidential *ex parte* Annex IV.

**B- Information possibly related to potential witnesses or other individuals**

11. No specific information was identified which related to potential witnesses.

**C- Specific information that relates to identification of Prosecution witnesses**

12. No specific information was identified which related to Prosecution witnesses.

[REDACTED]

13 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

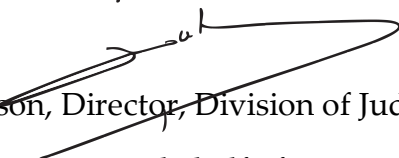
*Registrar's decision reinstating [REDACTED] to Mr Ntaganda's non-privileged contact list*

14. As the Chamber has been informed, the Registrar took an oral decision during a meeting with the Defence on 02 March 2016 to reinstate [REDACTED] onto Mr Ntaganda's non-privileged contacts list upon the conclusion of the fourth evidentiary block.<sup>14</sup> In reaching this decision, the Registrar took into account, *inter alia*, the following:

- [REDACTED]  
[REDACTED]

<sup>14</sup> Email from the Registry to Trial Chamber VI on 30 March 2016 at 17:30.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- The Defence asserts that [REDACTED] of Mr Ntaganda and is responsible for handling Mr Ntaganda's personal family matters in the latter's absence.<sup>16</sup>
  - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  - The Chamber has reserved its decision on the Defence's request to make [REDACTED] one of Mr Ntaganda's authorised contacts.<sup>19</sup>

  
 Marc Dubuisson, Director, Division of Judicial Services  
 on behalf of  
 Herman von Hebel, Registrar

Dated this 11 October 2016

At The Hague, the Netherlands.

<sup>15</sup> ICC-01/04-02/06-508-Conf-Exp.

<sup>16</sup> ICC-01/04-02/06-660-Conf-Exp, para. 18.

<sup>17</sup> ICC-01/04-02/06-635-Conf-Red-Exp.

<sup>18</sup> ICC-01/04-02/06-1201-Conf.

<sup>19</sup> ICC-01/04-02/06-785-Conf-Red-Exp.