

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/04-02/06
Date: 14 December 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 further request for authorisation to lift
Category "F" redactions", 10 November 2016, ICC-01/04-02/06-1626-Conf-Exp**

Source: Office of the Prosecutor

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

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Introduction

1. Further to the Prosecution's 26 October 2016 application¹ and pursuant to regulation 42(3) of the Regulations² and the Redaction Protocol,³ the Prosecution seeks the authorisation of Trial Chamber VI ("Chamber") to lift category "F" redactions to two names which appear in two documents. These redactions were authorised by Trial Chamber I during *Prosecutor v. Lubanga*, and were carried over to the *Ntaganda* case pursuant to regulation 42(1) of the Regulations.

Confidentiality

2. This filing and its annexes are classified as Confidential, *ex parte* - only available to the Prosecution and Victims and Witnesses Unit, pursuant to regulation 23bis(1) of the Regulations because the information that the Prosecution seeks to disclose to the Defence by way of the lifting of category "F" redactions cannot be disclosed to the Defence in advance of the Chamber's ruling on the matter.

Prosecution's Submissions

3. Pursuant to regulation 42(3) of the Regulations and the Redaction Protocol,⁴ the Prosecution seeks the Chamber's authorisation to lift certain redactions to two documents which were authorised by Trial Chamber I during *Prosecutor v. Lubanga*, and were carried over to the *Ntaganda* case under regulation 42(1).
4. In its 26 October 2016 application, the Prosecution sought authorisation to lift Category "F" redactions to, *inter alia*, the name of non-trial Witness P-0110,

¹ ICC-01/04-02/06-1595-Conf-Exp ("26 October 2016 application").

² Regulations of the Court ("Regulations").

³ Protocol Establishing a Redaction Regime ("Redaction Protocol"), ICC-01/04-02/06-411-AnxA.

⁴ ICC-01/04-02/06-411-AnxA, paragraph 8: "In respect of redactions authorised by another Chamber, the Prosecution shall also review such redactions to determine whether the circumstances justifying their application in the previous case are relevant in the context of the current proceedings. If not, the Prosecution shall make appropriate applications pursuant to Regulation 42 of the Regulations for the lifting of the redactions for the purposes of the proceedings in this case."

“[REDACTED]”, in DRC-OTP-0160-0172, [REDACTED].⁵ For the same reasons set out in the 26 October 2016 application,⁶ the Prosecution requests authorisation to lift a Category “F” redaction to this person’s name as it appears in DRC-OTP-0160-0181,⁷ a [REDACTED] similar to that contained in DRC-OTP-0160-0172.

5. In its 26 October 2016 application, the Prosecution also sought authorisation to lift redactions to the words “[REDACTED]” which appear at paragraph 104 of DRC-OTP-0162-0060, non-trial Witness P-0110’s witness statement.⁸ DRC-OTP-0160-0174,⁹ a [REDACTED] similar to DRC-OTP-0160-0172 and DRC-OTP-0160-0181, contains a Category “F” redaction to the name “[REDACTED]”, which refers to the same person. The Prosecution seeks authorisation to lift this redaction for the same reasons set out in the 26 October 2016 application.¹⁰

Relief Requested

6. Based on the foregoing, the Prosecution requests that the Chamber authorise the lifting of the category “F” redactions to “[REDACTED]” in DRC-OTP-0160-0181 and to “[REDACTED]” in DRC-OTP-0160-0174.



Fatou Bensouda
Prosecutor

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

⁵ See ICC-01/04-02/06-1595-Conf-Exp-AnxA, pp.92-94.

⁶ See ICC-01/04-02/06-1595-Conf-Exp, paras.10-15; ICC-01/04-02/06-1595-Conf-Exp-AnxA, pp.92-94.

⁷ See Confidential, *EX PARTE* - only available to the Prosecution and Victims and Witnesses Unit Annex A.

⁸ See ICC-01/04-02/06-1595-Conf-Exp-AnxA, pp.20-89, esp. p.60.

⁹ See Confidential, *EX PARTE* - only available to the Prosecution and Victims and Witnesses Unit Annex B.

¹⁰ See ICC-01/04-02/06-1595-Conf-Exp, paras.10-15; ICC-01/04-02/06-1595-Conf-Exp-AnxA, pp.92-94.