

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 14 March 2017

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 response to the ‘Request by the Common Legal Representative of the Victims of the Attacks for in-court protective/special measures for victims a/01635/13, a/20018/14 and a/30286/15’, ICC-01/04-02/06-1793-Conf”, 27 February 2017, ICC-01/04-02/06-1806-Conf

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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Legal Representatives of the Victims

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
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**

Other

Prosecution's Submissions

1. The Prosecution supports the request by the Common Legal Representative for the Victims of the Attacks for face and voice distortion and the use of a pseudonym for victims a/01635/13, a/20018/14 and a/30286/15.¹ These measures are necessary to protect the psychological well-being, privacy and dignity of the victims as envisaged by articles 68(1) and (2) of the Rome Statute and rules 87 and 88 of the Rules of Procedure and Evidence.
2. Victims a/20018/14 and a/30286/15 are expected to present views and concerns² about the harm they each suffered as a result of [REDACTED]. Victim a/01635/13 will present views and concerns on the harm suffered as a result of [REDACTED].
3. Article 68(1) of the Statute requires the Court to take appropriate measures to protect the psychological well-being, dignity and privacy of victims in a manner consistent with the rights of the Accused and a fair and impartial trial. Relevant factors include: [REDACTED]. [REDACTED].
4. The Chamber has previously granted the same protective measures to Prosecution witnesses [REDACTED]. The Prosecution applications were similarly grounded in the need to protect the witnesses' safety; and the Chamber accepted the existence and relevance of the risk of [REDACTED] that warranted shielding their identity from the public.³
5. Given the [REDACTED], the requested measures would strike an appropriate balance between protecting the three victims and preserving public access to the substance of their account through open session hearings.

¹ ICC-01/04-02/06-1793-Conf ("Request").

² ICC-01/04-02/06-1780.

³ ICC-01/04-02/06-1418-Conf, paras.8 ,10 (P-0018); ICC-01/04-02/06-1433-Conf, paras.6-7 (P-0019), ICC-01/04-02/06-T-115-CONF-ENG, p.58, ll.11-12 (P-0113), ICC-01/04-02/06-1277, paras.6-7 (P-0892, P-0912). ICC-01/04-02/06-T-166-CONF-ENG, p.4, ll.15-19 (P-0883) ; ICC-01/04-02/06-T-160-CONF-ENG, p.4, ll.10-21 (P-0758).

6. The Request does not unduly infringe the rights of the Defence as the identity of the three victims has been disclosed to the Accused⁴ and will only be retained *vis-à-vis* the public. The Accused will be able to see the victims and hear their voice without distortion. Furthermore, the victim's views and concerns will not form part of the evidentiary material considered by the Chamber for the purpose of its determination under article 74 of the Rome Statute.

Confidentiality

7. This filing is classified as "Confidential" pursuant to regulation 23*bis*(2) of the Regulations of the Court consistent with the classification of the Request to which it responds.



Fatou Bensouda
Prosecutor

Dated this 14th day of March 2017
At The Hague, The Netherlands

⁴ ICC-01/04-02/06-1795-Conf.