

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/04-02/06
Date: 7 September 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
With Confidential Annexes 1-2**

Public redacted version of “Prosecution’s first submissions on the reclassification of items admitted into evidence”, 7 September 2017, ICC-01/04-02/06-2027-Conf

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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Other

Prosecution's Submissions

1. On 22 August 2017, the Chamber informed the Parties and participants that it intends to reclassify, to the extent possible, the evidence that has been admitted from “confidential” to “public”.¹ The Chamber instructed the Parties and participants to co-ordinate with each other and the Registry, as appropriate, review the case record and indicate, by 31 October 2017, any items that can be reclassified as “public”, with or without redactions, and to provide reasons for any admitted items to remain confidential.²
2. On 4 September 2017, the Chamber further directed the Parties and participants to prioritise the review of 38 items of evidence³ and the Prosecution to indicate, by 7 September 2017, whether these items can be reclassified as “public” and/or provide reasons for any of them to remain confidential.⁴
3. The Prosecution has reviewed the 38 items and submits that 36⁵ of them can be reclassified as “public” without redactions whilst 2⁶ of them require redactions before they can be made available to the public.

¹ Email from Trial Chamber VI to the Parties and participants dated 22 August 2017 at 12:32 p.m.; *See also* ICC-01/04-02/06-T-231-CONF-ENG ET, p. 4, lns. 9-15 (open session).

² Email from Trial Chamber VI to the Parties and participants dated 22 August 2017 at 12:32 p.m.; *See also* ICC-01/04-02/06-T-231-CONF-ENG ET, p. 4, lns. 9-15 (open session).

³ DRC-OTP-0014-0187; DRC-OTP-0016-0133; DRC-OTP-0018-0113; DRC-OTP-0029-0306; DRC-OTP-0037-0295; DRC-OTP-0041-0098; DRC-OTP-0055-0476; DRC-OTP-0081-0006; DRC-OTP-0089-0059; DRC-OTP-0089-0483; DRC-OTP-0091-0709; DRC-OTP-0093-0136; DRC-OTP-0093-0359; DRC-OTP-0094-0134; DRC-OTP-0094-0160; DRC-OTP-0109-0101; DRC-OTP-0113-0052; DRC-OTP-0113-0133; DRC-OTP-0113-0141; DRC-OTP-0113-0156; DRC-OTP-0120-0294; DRC-OTP-0124-0002; DRC-OTP-0127-0063; DRC-OTP-0132-0018; DRC-OTP-0136-0173; DRC-OTP-0147-0205; DRC-OTP-0147-0320; DRC-OTP-0159-0436; DRC-OTP-0164-0452; DRC-OTP-0164-0455; DRC-OTP-0164-0567; DRC-OTP-0164-0710; DRC-OTP-0174-0126; DRC-OTP-0174-0127; DRC-OTP-0214-0065; DRC-OTP-2078-0202; DRC-OTP-2101-2774; DRC-OTP-2101-2791.

⁴ Email from Trial Chamber VI to the Parties and participants dated 4 September 2017 at 12:03 p.m.

⁵ DRC-OTP-0014-0187; DRC-OTP-0016-0133; DRC-OTP-0018-0113; DRC-OTP-0029-0306; DRC-OTP-0037-0295; DRC-OTP-0041-0098; DRC-OTP-0055-0476; DRC-OTP-0081-0006; DRC-OTP-0089-0059; DRC-OTP-0089-0483; DRC-OTP-0091-0709; DRC-OTP-0093-0136; DRC-OTP-0093-0359; DRC-OTP-0094-0134; DRC-OTP-0094-0160; DRC-OTP-0109-0101; DRC-OTP-0113-0052; DRC-OTP-0113-0133; DRC-OTP-0113-0141; DRC-OTP-0113-0156; DRC-OTP-0120-0294; DRC-OTP-0124-0002; DRC-OTP-0127-0063; DRC-OTP-0132-0018; DRC-OTP-0136-0173; DRC-OTP-0147-0205; DRC-OTP-0147-0320; DRC-OTP-0159-0436; DRC-OTP-0164-0452; DRC-OTP-0164-0455; DRC-OTP-0164-0567; DRC-OTP-0164-0710; DRC-OTP-0214-0065; DRC-OTP-2078-0202; DRC-OTP-2101-2774; DRC-OTP-2101-2791.

DRC-OTP-0174-0126 and DRC-OTP-0174-0127

4. DRC-OTP-0174-0126 and DRC-OTP-0174-0127 are two UPC organigrams [REDACTED],⁷ [REDACTED].⁸ The Prosecution proposes redactions to [REDACTED].

Confidentiality

5. This filing and its annexes are classified as “Confidential” pursuant to regulation 23bis(1) of the Regulations of the Court since they refer to information that the Prosecution seeks to withhold from the public. The Prosecution will also file a public redacted version of this filing.

Conclusion

6. For the foregoing reasons, the Prosecution asks that the Chamber authorise the reclassification of these items as well as the redactions set out above.



Fatou Bensouda
Prosecutor

Dated this 7th day of September 2017
At The Hague, the Netherlands

⁶ DRC-OTP-0174-0126 and DRC-OTP-0174-0127.

⁷ Confidential Annexes 1-2 contain copies of these two items in a format which permits the Chamber, Defence and participants to view the information that the Prosecution proposes to redact.

⁸ [REDACTED].