



Original: English

No.: ICC-01/04-02/06
Date: 31 October 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 Annex A**

**Prosecution's recommendations on the reclassification of items admitted
into evidence**

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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of 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

Detention Section

**Victims Participation and Reparations Other
Section**

Prosecution's Submissions

1. On 22 August 2017, Trial Chamber VI ("Chamber") notified the Parties and participants of its intention to reclassify the evidence admitted into the record from 'confidential' to 'public', where possible.¹
2. The Chamber then directed the Parties and participants to coordinate with each other and the Registry, as appropriate, to indicate any items that could be reclassified as 'public', with or without redactions, and to provide reasons for any admitted items to remain confidential by 31 October 2017.
3. The Prosecution consulted with the Legal Representative for Victims of the Attacks with regard to documents related to dual status witnesses.
4. Annexed to this filing is a list of all items classified as 'confidential' that were admitted into evidence in these proceedings to date. The Prosecution has indicated its recommendation on the classification of each item, either to remain confidential or to be reclassified as 'public', and a rationale for this recommendation. Where the Prosecution has recommended an item be reclassified to 'public', it has also indicated whether this is with or without redactions.² Should the Chamber decide to reclassify evidence with redactions, the Prosecution will propose redactions for the Chamber's consideration at that time.

¹ Email from Trial Chamber VI Communications to the Parties and participants, dated 22 August 2017 at 12:32.

² The metadata for all items of evidence should remain confidential regardless of this classification.

Confidentiality

5. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the annex to this document is classified as confidential because it contains identifying information about protected witnesses and refers to confidential evidence.



Fatou Bensouda
Prosecutor

Dated this 31st day of October 2017
At The Hague, The Netherlands