

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 16 September 2020

THE APPEALS CHAMBER

Before: Judge Howard Morrison, Presiding Judge
Judge Chile Eboe-Osuji
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Public redacted version of the “Request for a higher-resolution version of electoral card annexed to the ‘Defence request for admission of additional evidence on appeal’ of 27 August 2020 (No. ICC-01/04-02/06-2570-Conf)”

Source: Office of Public Counsel for Victims (CLR1)

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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Mr James Stewart
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Legal Representatives of the Victims

Ms Sarah Pellet
Ms Anna Bonini

Legal Representatives of the Applicants

Mr Dmytro Suprun
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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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL HISTORY

1. On 8 July 2019, Trial Chamber VI convicted Mr Ntaganda of five counts of crimes against humanity and thirteen counts of war crimes,¹ for which he was subsequently sentenced to thirty years of imprisonment.²

2. Appeals against the judgment³ and the sentence⁴ are currently pending before the Appeals Chamber, with oral hearings being scheduled for 12-14 October 2020.⁵

3. On 27 August 2020, the “Defence request for admission of additional evidence on appeal” was filed, seeking the admission on appeal of evidence obtained from [REDACTED] (the “Request”).⁶

II. CONFIDENTIALITY

4. Pursuant to regulations 23bis(2) of the Regulations of the Court, the present request is classified as “confidential” since it relates to the Request, which was filed with the same classification.

III. SUBMISSIONS

5. The Common Legal Representative of the former Child Soldiers (the “Legal Representative”) intends to respond to the Request by 10 September 2020, in accordance with regulations 24(2) and 24(b) of the Regulations of the Court.

6. The Legal Representative notes, however, that the copy of the identification document provided by the Defence for [REDACTED] – a “Carte d’électeur” included

¹ See the “Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2359](#), 8 July 2020.

² See the “Sentencing judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2442](#), 7 November 2020.

³ See the “Prosecution Appeal Brief”, [No. ICC-01/04-02/06-2432](#), 7 October 2020; the “Defence Appeal Brief – Part I”, [No. ICC-01/05-02/06-2443](#), 11 November 2019 and the “Corrigendum* of the ‘Public Redacted Version of ‘Defence Appeal Brief – Part II’, 31 January 2020, ICC-01/04-02/06-2465”, 27 March 2020, ICC-01/04-02/06-2465-Red”, [No. ICC-01/04-02/06-2465-Red-Corr](#), 30 June 2020.

⁴ See the “Public Redacted Version of ‘Sentencing Appeal Brief’, 10 February 2020, ICC-01/04-02/06-2468-Conf”, [No. ICC-01/04-02/06-2468-Red](#), 9 April 2020.

⁵ See the “Second order scheduling a hearing” (Appeals Chamber), [No. ICC-01/04-02/06-2568](#), 20 August 2020.

⁶ See the “Public redacted version of ‘Defence request for admission of additional evidence on appeal’, 27 August 2020, ICC-01/04-02/06-2570-Conf”, No. ICC-01/04-02/06-2570-Red, 11 September 2020.

in Annex A to the Request⁷ – is of such low resolution that most of the information set out therein is illegible. The photograph included in said identification document is of equally low quality and provides only limited information on the appearance of the person depicted.

7. The Legal Representative notes that the information *supra* is essential to the proceedings and that, without it, she is unable to meaningfully prepare her response to the Request. Accordingly, the Legal Representative respectfully requests the Appeals Chamber to order the Defence to file a revised version of Annex A to the Request including a higher-resolution copy of the relevant identification document. Should the provision of said document not be forthcoming, the Legal Representative reserves her right to seek an extension to the deadline for the filing of her response to the Request.



Sarah Pellet

Common Legal Representative of the
Former Child Soldiers

Dated this 16th Day of September 2020

At The Hague, The Netherlands

⁷ See the “Annex A to the Defence request for admission of additional evidence on appeal”, No. ICC-01/04-02/06-2570-Conf-AnxA, 28 August 2020 (dated 27 August 2020), p. 16.