

Annex A

From: Bourgon, Stephane [mailto:sbourgon@iccepn.org]

Sent: 14 April 2017 11:29

To: Trial Chamber VI Communications

Cc: Samson, Nicole; Luping, Dianne; Solano, Julieta; Iverson, Eric; Yirgou, Selamawit; van der Werf, Hendrik Rens; Rabanit, Marion; Pellet, Sarah; Suprun, Dmytro; Smiljanic, Negosava; Rambolamanana, Vony; Grabowski, Anne; Gosnell, Christopher; De Sena, Sandrine; Grandon, Chloé; Marlene Yahya Haage; Portier, Margaux; Martineau, Isabelle; Cookson-Montin, Erik

Subject: Transcript corrections and proposals for lesser redacted versions

To: Trial Chamber VI Communications

From: Defence Team of Mr Bosco Ntaganda

Subject: Transcript corrections and proposals for lesser redacted versions

Message: Please convey the following message on behalf of Me Stéphane Bourgon to the Judges of Trial Chamber VI

To the Honourable Judges of Trial Chamber VI,

On 19 October 2016, the Chamber ordered the Prosecution to submit requests for corrections to transcripts '21 days after the notification of the last edited transcripts of the eighth evidentiary block, in both French and English versions' (ICC-01/04-02/06-1588, paras. 13-14).

On 15 February 2017, the Prosecution requested a variation of the deadline to submit proposed transcript corrections.

On 17 February 2017, the Chamber granted the requested variation of the deadline *i.e* to submit the proposed transcript corrections per witness every three weeks, following the same schedule as for the lesser redacted transcript proposals.

As the Prosecution underscored, it takes considerable time to compare the English and French transcripts and to record the relevant discrepancies. The Prosecution's observations also apply to the proposition of lesser redacted versions of transcripts, which require many hours of work.

Since the Chamber granted its request, the Prosecution has submitted requests for corrections to transcripts every three weeks following the same schedule as for the lesser redacted transcript proposals.

While the Defence has been able to follow this pace in relation to proposals for lesser redacted transcripts, it has neither been possible to perform a detailed analysis of the French and English versions of the transcripts nor to provide requests for corrections to all transcripts.

In fact, the Defence has only been able to submit corrections to transcript based on errors noticed while working with these transcripts when analysing the evidence adduced.

The Defence respectfully submits that it is currently not in a position to follow the pace set by the Chamber regarding both proposals for lesser redacted versions of transcripts and corrections to the last edited versions of transcripts.

In this regard, the Defence notes that in the *Lubanga case*, the Chamber stressed the fact that it is the responsibility of the Registry to ensure that the record of proceedings is accurate, and not the responsibility of the parties. Accordingly, no specific deadline to request corrections to transcripts were ordered.

As for proposals for lesser redacted versions of transcripts, the Defence respectfully submits taking into consideration that very few people consult these transcripts *post-facto*, after a witness has testified, that this task should not be given a high priority.

Bearing in mind the present workload of the Defence in the context of preparing for the preparation of the case for the Defence *inter alia*: (i) the determination of the order of appearance of witnesses ; (ii) the preparation of all documents required to be disclosed pursuant to the Statute and the Rules and the directions issued by Trial Chamber VI ; (iii) the accomplishment of all necessary tasks, in cooperation with the Victims and Witnesses Unit, which are necessary to secure the attendance of Defence witnesses during the presentation of the case for the Defence ; (iv) the conduct of Defence investigations *in situ* ; (v) conducting an in depth analysis of the voluminous material disclosed by the Prosecution in relation to its parallel Article 70 investigation ; and (vi) the conduct of many other activities related to the Defence of Bosco Ntaganda - the Defence respectfully requests that both of these tasks, other than the submission of material corrections coming to light in the performance of regular tasks should be delayed until the end of the presentation of the case for the Defence.

Delaying the systematic implementation of these tasks until the end of the case for the Defence will neither prejudice the parties and participants nor be contrary to the interest of justice. Quite the contrary, it will allow the Defence, albeit to a very limited extent in the present context, to focus on protecting the rights of Mr Ntaganda and the higher priority tasks to be accomplished.

Respectfully submitted on this 14th day of April 2017,

Me Stéphane Bourgon, *Ad.E*

Counsel representing Mr Bosco Ntaganda