

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**
Date: **12 December 2016**

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 redacted version of
Decision on Prosecution's requests for authorisation to lift Category 'F' redactions,
5 December 2016, ICC-01/04-02/06-1671-Conf-Exp**

Decision 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 Bosco Ntaganda

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

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber VI ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 67(2) and 68 of the Rome Statute, Rules 77 and 81 of the Rules of Procedure and Evidence ('Rules'), Regulation 42 of the Regulations of the Court ('Regulations') and the 'Decision on the Protocol establishing a redaction regime'¹, issues the following 'Decision on Prosecution's requests for authorisation to lift Category 'F' redactions'.

I. Background

1. Under the Redaction Protocol, category 'F' redactions are those redactions that have been authorised by another chamber and which are retained in these proceedings by reason of Regulation 42 of the Regulations (and are not covered by other categories approved in the Redaction Protocol).²
2. The Redaction Protocol requires the Office of the Prosecutor ('Prosecution') to review redactions authorised by another chamber, to determine whether the circumstances justifying their application in the previous case are relevant in the context of the current proceedings.³ If not, the Redaction Protocol requires the Prosecution to make appropriate applications pursuant to Regulation 42 of the Regulations for the lifting of the redactions for the purposes of the current proceedings.⁴
3. On 26 October 2016, the Prosecution filed a request seeking the Chamber's authorisation to lift certain category 'F' redactions to 39 documents that were respectively authorised by Trial Chambers I and II during *The Prosecutor v. Thomas Lubanga Dyilo* ('Lubanga case') and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* ('Katanga case') and were carried over to the

¹ 12 December 2014, ICC-01/04-02/06-411 and AnxA ('Redaction Protocol').

² Redaction Protocol, ICC-01/04-02/06-411-AnxA, para. 8.

³ Redaction Protocol, ICC-01/04-02/06-411-AnxA, para. 8.

⁴ Redaction Protocol, ICC-01/04-02/06-411-AnxA, para. 8.

current proceedings pursuant to Regulation 42(1) of the Regulations ('Request').⁵

4. On 10 November 2016, the Prosecution filed a further request, seeking the Chamber's authorisation to lift further category 'F' redactions authorised by Trial Chamber I during the *Lubanga* case, also carried over to the current proceedings pursuant to regulation 42(1) of the Regulations ('Further Request').⁶

II. Analysis and conclusions

i. Applicable law

5. The Chamber recalls that pursuant to Regulation 42(1), protective measures, once ordered in any proceedings in respect of a victim or witness, 'continue to have full force and effect in relation to any other proceedings before the Court and shall continue after proceedings have been concluded, subject to revision by a [c]hamber'.
6. Although Regulation 42 refers only to victims and witnesses, the Chamber agrees with the approach adopted by Trial Chamber I in the *Lubanga* case to apply Regulation 42 to all those who are the subject of protective measures, whether they be victims, witnesses or other persons at risk on account of the activities of the Court.⁷ The Chamber considers it appropriate to adopt the

⁵ Prosecution request for authorisation to lift Category 'F' redactions, ICC-01/04-02/06-1595-Conf-Exp; with confidential annexes A and 1-39 only available to the Prosecution and Victims and Witnesses Unit. The Chamber notes that the Prosecution has classified the Request and its annexes as *Confidential – Ex parte*, Prosecution and Victims and Witnesses Unit only, on the basis that the information sought to be disclosed to the Defence by way of the lifting of category 'F' redactions cannot be disclosed in advance of the Chamber's ruling on the matter.

⁶ Prosecution's further request for authorisation to lift Category "F" redactions, ICC-01/04-02/06-1626-Conf-Exp; with confidential annexes A-B only available to the Prosecution and Victims and Witnesses Unit. The Chamber notes that the Prosecution has similarly classified the Further Request and its annexes as *Confidential – Ex parte*, Prosecution and Victims and Witnesses Unit only.

⁷ *Lubanga* case, Trial Chamber I, Decision on the application to disclose the identity of intermediary 143, 18 November 2009, ICC-01/04-01/06-2190-Red, para. 22. In this decision, Trial Chamber I applied to Regulation 42 the approach taken by the Appeals Chamber to Rule 81(4) of the Rules in the *Katanga* case, Appeals

same approach here, since the redactions in the Request and Further Request concern not only victims and witnesses, but also others subject to protective measures resulting from activities of the Court.

7. The Chamber further recalls that under Regulation 42(3), any application to vary a protective measure must first be made to the chamber which issued the order, unless that chamber is no longer seised of the proceedings in which the protective measure was ordered. In this latter case, Regulation 42(3) provides that the application may be made to the chamber before which a variation of the protective measure is being requested. Considering that Trial Chamber I is no longer seised of the *Lubanga* case and Trial Chamber II has been recomposed for the purposes of the reparation proceedings in the *Katanga* case, the Chamber considers it appropriate to address the Request, having informed itself, to the extent possible, of the basis on which the original measures were granted.⁸
8. Finally, the Chamber recalls that Regulation 42(4) of the Regulations provides for a chamber to seek to obtain, whenever possible, the consent of the person in respect of whom an application to rescind, vary or augment protective measures has been made, before making its determination under Regulation 42(3). The Chamber addresses this requirement, as relevant, below.

ii. The Request

9. For the purpose of this analysis, the redactions sought to be lifted have been grouped into eight different categories. Each category is dealt with separately below.

Chamber, Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled “First Decision on the Prosecution Request for Authorisation to Redact Witness Statements”, 13 May 2008, ICC-01/04-01/07-475, paras 52 and 54.

⁸ See *similarly*, Order on Defence access to confidential material in the Lubanga case, ICC-01/04-02/06-806, para. 5.

1) Category 1: Information that has already been disclosed through other means

10. There are six documents⁹ in which the Prosecution seeks authorisation to lift redactions on the basis that redacted information has already been disclosed to the defence team for Mr Ntaganda ('Defence') through other evidence.¹⁰ Having reviewed the redactions in question, the Chamber is satisfied that, with one exception,¹¹ this is the case. Having regard to this fact, together with the nature of the information sought to be disclosed, and the reasons for the initial redactions (which, in certain cases, included the lack of materiality of the information in the context of previous cases), the Chamber considers it unnecessary to seek, under Regulation 42(4) of the Regulations, the consent of those persons in respect of whom the application to lift the redactions has been made. With respect to the one name for which the Chamber does not have information indicating its prior disclosure, the Chamber is nonetheless satisfied that disclosure may now be made, having regard to the original reasons for redaction of the statement,¹² the Chamber's prior ruling authorising disclosure of a lesser redacted version of this statement¹³ and the context in which the individual is mentioned. Accordingly, the Chamber authorises the lifting of the specified redactions in these six documents as indicated in Annex A to the Request.

⁹ DRC-OTP-0070-0340 (ICC-01/04-02/06-1595-Conf-Exp-Anx2), DRC-OTP-0070-0380 (ICC-01/04-02/06-1595-Conf-Exp-Anx3), DRC-OTP-0105-0177 (ICC-01/04-02/06-1595-Conf-Exp-Anx4), DRC-OTP-0171-1259 (ICC-01/04-02/06-1595-Conf-Exp-Anx5), DRC-OTP-0219-0067 (ICC-01/04-02/06-1595-Conf-Exp-Anx9) and DRC-OTP-0231-0257 (ICC-01/04-02/06-1595-Conf-Exp-Anx22).

¹⁰ Request, ICC-01/04-02/06-1595-Conf-Exp, para 8.

¹¹ There is no indication that [REDACTED]'s identity (as mentioned in Annex 2 to the Request) has previously been disclosed.

¹² See Request, ICC-01/04-02/06-1595-Conf-Exp-AnxA, pages 2-3.

¹³ E-mail from Legal Officer of the Chamber to the Prosecution on 8 June 2016 at 13:48.

2) Category 2: Information that refers to a former interview location which is no longer being used

11. There is one document¹⁴ in which the Prosecution seeks authorisation to lift redactions on the basis that the information in question refers to a former interview location which is no longer being used.¹⁵ On that basis, the Chamber authorises lifting of the specified redactions in this document as indicated in Annex A to the Request.

3) Category 3: Information that refers to former places of residence of certain persons

12. There are 15 documents¹⁶ in which the Prosecution seeks authorisation to lift redactions on the basis that information refers to former places of residence of Witness [REDACTED], and persons identified with pseudonyms [REDACTED].¹⁷ Based on the Prosecution's submission that these are no longer current places of residence for these persons, the Chamber considers that these redactions are no longer necessary to protect their safety, well-being, dignity and privacy. Having regard to the nature of the information sought to be disclosed, the Chamber also considers it unnecessary to seek consent from [REDACTED] under Regulation 42(4) of the Regulations.

¹⁴ DRC-OTP-0147-0336 (ICC-01/04-02/06-1595-Conf-Exp-Anx7).

¹⁵ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 8. Other redactions to the document at Annex 7 of the Request are considered further below in the context of Category 7.

¹⁶ DRC-OTP-0206-0255 (ICC-01/04-02/06-1595-Conf-Exp-Anx8), DRC-OTP-0221-0452 (ICC-01/04-02/06-1595-Conf-Exp-Anx10), DRC-OTP-0221-0476 (ICC-01/04-02/06-1595-Conf-Exp-Anx11), DRC-OTP-0221-0531 (ICC-01/04-02/06-1595-Conf-Exp-Anx12), DRC-OTP-0222-0540 (ICC-01/04-02/06-1595-Conf-Exp-Anx13), DRC-OTP-0222-0564 (ICC-01/04-02/06-1595-Conf-Exp-Anx14), DRC-OTP-0222-0587 (ICC-01/04-02/06-1595-Conf-Exp-Anx15), DRC-OTP-0224-0218 (ICC-01/04-02/06-1595-Conf-Exp-Anx16), DRC-OTP-0224-0245 (ICC-01/04-02/06-1595-Conf-Exp-Anx17), DRC-OTP-0224-0287 (ICC-01/04-02/06-1595-Conf-Exp-Anx18), DRC-OTP-0224-0312 (ICC-01/04-02/06-1595-Conf-Exp-Anx19), DRC-OTP-0224-0334 (ICC-01/04-02/06-1595-Conf-Exp-Anx20), DRC-OTP-0229-0058 (ICC-01/04-02/06-1595-Conf-Exp-Anx21), DRC-OTP-1017-0067 (ICC-01/04-02/06-1595-Conf-Exp-Anx23) and DRC-OTP-0231-0061 (ICC-01/04-02/06-1595-Conf-Exp-Anx39). The Chamber notes that footnote 6 of the Request erroneously refers to Annex 24, rather than Annex 23.

¹⁷ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 8.

Accordingly, the Chamber authorises the lifting of the specified redactions in these documents as indicated in Annex A to the Request.

4) Category 4: Information that refers to the deceased father of Witness [REDACTED]

13. There is one document¹⁸ in which the Prosecution seeks authorisation to lift redactions to the identity of the deceased father of Witness [REDACTED].¹⁹ Given that the Chamber is advised that the person is deceased, the Chamber considers that these redactions are no longer necessary to protect the safety, well-being, dignity and privacy of this or other persons. In these circumstances, the Chamber also considers that it is unnecessary to seek any consent under Regulation 42(4) of the Regulations. Accordingly, the Chamber authorises the lifting of the specified redactions in this document as indicated in Annex A to the Request. It is, however, noted that the father of Witness [REDACTED] appears to have been already deceased at the time of the interview in 2014,²⁰ and therefore it would seem these redactions could potentially have been lifted at an earlier time, such as when the identity of Witness [REDACTED] was disclosed.

5) Category 5: Information where disclosure would not create or increase any security risk to the witnesses or their family members

14. There are four documents²¹ in which the Prosecution seeks authorisation to lift redactions on the basis that disclosure of the information would not create or increase any security risk to the relevant witnesses or their family

¹⁸DRC-OTP-2075-0652 (ICC-01/04-02/06-1595-Conf-Exp-Anx28). The Chamber notes that footnote 6 of the Request erroneously refers to Annex 29, rather than Annex 28.

¹⁹ Request, ICC-01/04-02/06-1595-Conf-Exp, page 5, footnote 6.

²⁰ Request, ICC-01/04-02/06-1595-Conf-Exp-Anx28, page 9, lines 241-242.

²¹ DRC-OTP-0038-0582 (ICC-01/04-02/06-1595-Conf-Exp-Anx1), DRC-OTP-0106-0169 (ICC-01/04-02/06-1595-Conf-Exp-Anx6), DRC-OTP-2092-0531 (ICC-01/04-02/06-1595-Conf-Exp-Anx29) and DRC-OTP-2092-0613 (ICC-01/04-02/06-1595-Conf-Exp-Anx30). The Chamber notes that in footnote 7 of the Request, Annex 29 is erroneously referred to as Annex 30 and Annex 30 is erroneously referred to as Annex 31.

members.²² The Prosecution further states that the redacted information does not address any factual matters related to the charges and thus is not considered material to the preparation of the defence. Nevertheless, the Prosecution states that it considers the redactions are no longer necessary, and requests they be lifted. Each document is dealt with in turn below.

15. In DRC-OTP-0038-0582 (Annex 1 to the Request), the relevant redacted information relates to the name and contact details of a non-governmental organisation ('NGO') and one of its former staff members. The redaction of this information was authorised in the *Lubanga* proceedings on the basis that the redacted information was irrelevant.²³ The Prosecution states that it no longer considers that revealing this information would increase the security risks to the NGO or its former staff member.

16. In DRC-OTP-0106-0169 (Annex 6 to the Request), the relevant redacted information relates to the name of an individual, [REDACTED]. Again, the Prosecution states that it no longer considers that revealing this information would increase the security risks to this individual. It also notes that the name of this individual was disclosed to the Defence through another document.²⁴

17. The Chamber notes that it has no further current information in relation to these individuals, or the NGO, beyond the Prosecution's assertion that it does not consider that disclosure would increase the risk to them. The Chamber has, however, considered the fact that these redactions were initially authorised primarily on the basis of the irrelevance of the redacted material, rather than any particular stated security concerns, and noting the context in which they arise, considers that the redactions are no longer necessary to

²² Request, ICC-01/04-02/06-1595-Conf-Exp, para. 8.

²³ [REDACTED], referred to in Request, ICC-01/04-02/06-1595-Conf-Exp-AnxA, page 2.

²⁴ Disclosed through DRC-OTP-0016-0128, at 0129. The name disclosed in this document is '[REDACTED]'. See ICC-01/04-02/06-1595-Conf-Exp-AnxA, page 5.

protect the safety, well-being, dignity and privacy of the relevant individuals. In these circumstances, the Chamber also considers it unnecessary to seek consent under Regulation 42(4). Accordingly, the Chamber authorises the lifting of the specified redactions in these two documents as indicated in Annex A to the Request.

18. In relation to DRC-OTP-2092-0531 (Annex 29 to the Request) and DRC-OTP-2092-0613 (Annex 30 to the Request), the Prosecution states that the specified redactions are unnecessary because they do not reveal any confidential information. The Chamber concurs with this view and considers they could have been lifted at an earlier stage. Accordingly, the Chamber authorises the lifting of the specified redactions in these two documents as indicated in Annex A to the Request.

6) Category 6: Redactions relating to [REDACTED]

19. There are four documents²⁵ in which the Prosecution seeks authorisation to lift redactions to discrete portions of statements of [REDACTED]. The Prosecution states that redactions are still necessary to protect the identity of this individual, on the basis of ongoing risk, but it deems certain other information to be relevant to the charges against the accused in this case.²⁶ Accordingly, the Prosecution seeks to lift redactions which reference the attack on Songolo and Witness [REDACTED], as well as certain information that is considered too generic to identify [REDACTED].
20. In the *Katanga* proceedings, Trial Chamber II authorised redactions to identifying information of [REDACTED] having given careful consideration

²⁵ DRC-OTP-1017-0086 (ICC-01/04-02/06-1595-Conf-Exp-Anx24), DRC-OTP-1017-0119 (ICC-01/04-02/06-1595-Conf-Exp-Anx 25), DRC-OTP-1020-0122 (ICC-01/04-02/06-1595-Conf-Exp-Anx26) and DRC-OTP-1020-0286 (ICC-01/04-02/06-1595-Conf-Exp-Anx27). The Chamber notes that footnote 8 of the Request erroneously referred to Annexes 25 – 28, rather than 24 – 27.

²⁶ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 9.

to his security situation at the time and having found the redactions necessary for his protection.²⁷

21. In relation to DRC-OTP-1020-0122 (Annex 26 to the Request), DRC-OTP-1020-0286 (Annex 27 to the Request) and one redaction²⁸ in DRC-OTP-1017-0086 (Annex 24 to the Request), the Chamber agrees that the specified information appears too generic to identify [REDACTED]. The Chamber therefore considers that this information can be disclosed without risking the safety, well-being, dignity or privacy of [REDACTED].
22. For the other redactions in DRC-OTP-1017-0086 (Annex 24 to the Request)²⁹ and DRC-OTP-1017-0119 (Annex 25 to the Request), which reference the attack on Songolo, the Chamber similarly finds the information, on its own, not to be of an identifying nature, and consequently considers that it too can be disclosed without risking the safety, well-being, dignity or privacy of [REDACTED].
23. Accordingly, the Chamber authorises the lifting of the specified redactions in these four documents as indicated in Annex A to the Request. In all of the above circumstances, having regard to the nature of the information sought to be disclosed and the fact that it is not considered to be identifying for [REDACTED], the Chamber considers it unnecessary to seek consent under Regulation 42(4) of the Regulations before making its determination.

7) Category 7: Redactions to the statement of [REDACTED]

²⁷ [REDACTED].

²⁸ DRC-OTP-1017-0086 (ICC-01/04-02/06-1595-Conf-Exp-Anx24), page 0101, lines 494 to 498.

²⁹ DRC-OTP-1017-0086 (ICC-01/04-02/06-1595-Conf-Exp-Anx24), page 0111, lines 873 to 876.

24. There is one document³⁰ in which the Prosecution seeks authorisation to lift redactions to discrete portions of the statement of [REDACTED], who [REDACTED].³¹ As with the previous category, the Prosecution states that certain redactions are still necessary for the protection of [REDACTED], whose identity has not been disclosed to the Defence and in relation to whom a risk still exists, but that the information for which lifting of redactions is requested is relevant to the charges against the accused in this case.³²

25. The Chamber considers that the information for which lifting of redactions is requested [REDACTED]. [REDACTED]. [REDACTED]. Accordingly, the Chamber authorises the lifting of the specified redactions in this document as indicated in Annex A to the Request, with the exception noted above. Noting that the information in question should not be identifying, the Chamber also does not consider it necessary to seek [REDACTED]'s consent under Regulation 42(4) of the Regulations before making its determination.

8) Category 8: Identifying information of [REDACTED] and [REDACTED]

26. Finally, the Prosecution seeks authorisation to lift redactions applied to the identity of [REDACTED] and [REDACTED]. The redactions are contained in one document for [REDACTED],³³ and seven documents for [REDACTED].³⁴

27. The Prosecution states that whilst all the relevant information disclosable under Rule 77 or Article 67(2) contained in the statements of these two

³⁰ DRC-OTP-0147-0336 (ICC-01/04-02/06-1595-Conf-Exp-Anx7).

³¹ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 9.

³² Request, ICC-01/04-02/06-1595-Conf-Exp, para. 9.

³³ DRC-OTP-0104-0107 (ICC-01/04-02/06-1595-Conf-Exp-Anx31). The Chamber notes that footnote 9 of the Request erroneously refers to Annex 32, rather than Annex 31.

³⁴ DRC-OTP-0162-0060 (ICC-01/04-02/06-1595-Conf-Exp-Anx32), DRC-OTP-0162-0101 (ICC-01/04-02/06-1595-Conf-Exp-Anx33), DRC-OTP-0162-0103 (ICC-01/04-02/06-1595-Conf-Exp-Anx34), DRC-OTP-0162-0105 (ICC-01/04-02/06-1595-Conf-Exp-Anx35), DRC-OTP-0160-0172 (ICC-01/04-02/06-1595-Conf-Exp-Anx36), DRC-OTP-0162-0056 (ICC-01/04-02/06-1595-Conf-Exp-Anx37) and DRC-OTP-0193-0074 (ICC-01/04-02/06-1595-Conf-Exp-Anx38). The Chamber notes that footnote 9 of the Request erroneously refers to Annexes 33 – 39, rather than 32-38.

witnesses, and related documents, has been provided to the Defence, the Prosecution assesses that there are no currently known security risks in relation to them, and that their identity could now also be disclosed.³⁵

28. Pre-Trial Chamber I authorised non-disclosure of [REDACTED]'s identity in the *Lubanga* case, pursuant to Rule 81(4) of the Rules, noting that the redactions did not affect any potentially exonerating information.³⁶

29. Trial Chamber I authorised non-disclosure of the identity of [REDACTED]³⁷ and also non-disclosure of the names of seven alleged child soldiers referred to in his statement³⁸ in the *Lubanga* case, pursuant to Rule 81(4) of the Rules, because of security risks that existed at the time.

30. The Chamber notes that the Prosecution has not been in contact with [REDACTED] since, respectively, 2005 and 2008 and has been unable to reach them to inquire about their current security situation. The Prosecution nonetheless assesses that 'no currently known security risk exists' in respect of each of them.³⁹ It notes in this regard that [REDACTED], and their materials have been disclosed under Rule 77. The Prosecution further notes that the identity, and role, of these individuals is already known to the Defence through other disclosed material.⁴⁰

31. In respect of [REDACTED], having considered the content of the statement, the fact that it was given in 2005, that the individual is not a trial witness, that the Prosecution is unaware of any current security risks to this individual, and having considered, to the extent possible, also the circumstances in which the redactions were originally applied, the Chamber finds it appropriate for

³⁵ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 10.

³⁶ [REDACTED].

³⁷ [REDACTED].

³⁸ [REDACTED].

³⁹ Request, ICC-01/04-02/06-1595-Conf-Exp, para. 12.

⁴⁰ Request, ICC-01/04-02/06-1595-Conf-Exp para. 14.

the redactions in question to be lifted and for the identity and identifying information to be disclosed.

32. In respect of [REDACTED], having considered the potential relevance of the content of the statement, that it was given in 2006, that this person subsequently ceased cooperation with the Court, that the Prosecution has not had any contact with the individual since 2008, that the Prosecution is unaware of any current security risks to this individual, and having considered also the circumstances in which the redactions were originally applied, the Chamber finds it appropriate for the redactions in question to be lifted and for the identity and identifying information to be disclosed. Further, the Chamber does not consider that the redactions to third parties mentioned in the materials related to [REDACTED], as previously authorised by Trial Chamber I, remain necessary.

33. Ordinarily, the Chamber would, pursuant to Regulation 42(4) of the Regulations, seek the consent of the individuals concerned prior to ordering disclosure. Having regard, however, to the fact that the Prosecution appears to have been unable to contact them,⁴¹ the Chamber considers that delaying disclosure for this purpose would not be appropriate in this instance. Accordingly, the Chamber authorises the lifting of the specified redactions in these eight documents as indicated in Annex A to the Request. However, having regard to the fairly limited information apparently available in relation to the security situation of [REDACTED], the Chamber directs the Victims and Witnesses Unit and the Prosecution to continue to make reasonable efforts to attempt to contact [REDACTED] and inform them of the disclosure authorised in this decision, as applicable to them.

⁴¹ The extent of the efforts made to do so are not specified in the Request.

iii. The Further Request

34. In the Further Request, the Prosecution seeks authorisation to lift redactions in two further documents.⁴² The redactions cover two names which have been authorised to be disclosed in other documents as per paragraph 33 of this Decision. For the same reasons, the Chamber authorises the lifting of redactions in these two documents as requested in paragraphs 4 and 5 of the Further Request.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

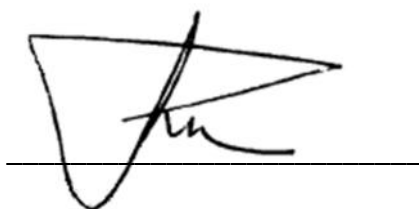
AUTHORISES the lifting of the specified redactions identified in Annex A to the Request, except as noted in paragraph 25 above, and paragraphs 4 and 5 of the Further Request and **ORDERS** the Prosecution to make the relevant disclosure as expeditiously as possible;

DIRECTS the Victims and Witnesses Unit and the Prosecution to continue to make reasonable attempts to contact [REDACTED] and inform them of the disclosures authorised in this decision, as applicable to them; and

ORDERS the Prosecution to file confidential and public redacted versions of the Request and the Further Request within five weeks of this decision.

⁴² DRC-OTP-0160-0181 (ICC-01/04-02/06-1626-Conf-Exp-AnxA) and DRC-OTP-0160-0174 (ICC-01/04-02/06-1626-Conf-Exp-AnxB).

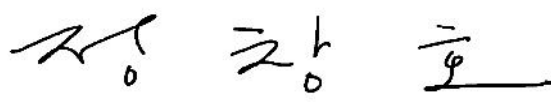
Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a large, stylized 'F' followed by a cursive 'remr', positioned above a horizontal line.

Judge Robert Fremr, Presiding Judge

A handwritten signature in black ink, appearing to be 'Kuniko Ozaki', positioned above a horizontal line.

Judge Kuniko Ozaki

A handwritten signature in black ink, consisting of four distinct characters in a cursive style, positioned above a horizontal line.

Judge Chang-ho Chung

Dated 12 December 2016

At The Hague, The Netherlands