

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/04-02/06**

Date: **23 June 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

**Decision on Prosecution request for reconsideration of, or leave to appeal,
decision on use of certain material during the testimony of Mr Ntaganda**

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

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber VI ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Articles 64, 67 and 82(1)(d) of the Rome Statute ('Statute'), Rule 155 of the Rules of Procedure and Evidence, and Regulation 65 of the Regulations of the Court, issues the following 'Decision on Prosecution request for reconsideration of, or leave to appeal, decision on use of certain material during the testimony of Mr Ntaganda'.

I. BACKGROUND

1. On 14 June 2017, the Chamber issued an oral decision on a request¹ by the Office of the Prosecutor ('Prosecution') to use audio recordings, transcripts, translations and summaries of certain of Mr Ntaganda's non-privileged Detention Centre communications, as well as the call logs and the list of non-privileged contacts of Mr Ntaganda and Mr Lubunga during the testimony of Mr Ntaganda ('Impugned Decision').²
2. On 21 June 2017, after having been granted an extension of time,³ the Prosecution filed a request for reconsideration of or, in the alternative, leave to appeal the Impugned Decision on two issues ('Request').⁴
3. That same day, the Legal representatives of victims informed the Chamber that they did not intend to respond to the Request.⁵

¹ Prosecution's request to use non-privileged Detention Centre communications during the testimony of Bosco Ntaganda, 26 May 2017, ICC-01/04-02/06-1925-Conf and confidential Annexes A and B; Prosecution's supplemental request to use non-privileged Detention Centre communications during the testimony of Bosco Ntaganda, 31 May 2017, ICC-01/04-02/06-1930 and confidential Annexes A and B.

² Transcript of hearing on 14 June 2017, ICC-01/04-02/06-T-209-CONF-ENG ET, pages 21-23.

³ Email communication from the Prosecution to the Chamber, Defence and Legal representatives of victims on 20 June 2017, at 15:39; and Email communication from the Chamber to the parties and participants on 20 June 2017, at 15:55.

⁴ Prosecution's application for reconsideration, and in the alternative leave to appeal, the Chamber's Decision excluding certain Detention Centre communications, 20 June 2017 (notified on 21 June 2017), ICC-01/04-02/06-1971.

⁵ Email communication from the Legal representatives of victims to the Chamber and the parties on 21 June 2017, at 13:38.

4. On 22 June 2017, in line with the time limit set by the Chamber,⁶ the Defence team for Mr Ntaganda ('Defence') filed its response, opposing the Request.⁷

II. SUBMISSIONS AND ANALYSIS

A. Reconsideration

i. Submissions

Prosecution

5. The Prosecution seeks reconsideration of the Impugned Decision on the following two matters 'in particular':
 - i. 'Prohibition on use of summaries of conversations'⁸ ('First Matter');
and
 - ii. 'Prohibition on use of relevant KiHema language communications'⁹ ('Second Matter').
6. Concerning the First Matter, the Prosecution seeks reconsideration of the Chamber's ruling which denied its request: (i) to use in cross-examination of the accused the summaries of 125 key Detention Centre communications, on the ground that the summaries had been prepared by the Prosecution, a party to the proceedings; and (ii) to submit the relevant transcripts and translations for

⁶ Email communication from the Chamber to the parties and participants on 21 June 2017, at 11:39.

⁷ Response to Prosecution's application for reconsideration, and in the alternative leave to appeal, the Chamber's Decision excluding certain Detention Centre communications, 22 June 2017, ICC-01/04-02/06-1972.

⁸ Request, ICC-01/04-02/06-1971, para. 2 and page 6.

⁹ Request, ICC-01/04-02/06-1971, para. 2 and page 8.

those communications by the end of June 2017, before the accused's cross-examination.¹⁰

7. Concerning the Second Matter, the Prosecution seeks reconsideration of the Chamber's ruling preventing use in the cross-examination of the accused of any Detention Centre communications in the KiHema language.¹¹
8. According to the Prosecution, 'the consequences of the two rulings [...] are manifestly unsatisfactory in that the Chamber will be severely impacted in its determination of the truth and the Prosecution will be prevented from properly putting forward its case when cross-examining the Accused'.¹²
9. With respect to the First Matter, the Prosecution posits that: (i) without use of the summaries, the Chamber will be deprived of conversations that explain the meaning of codes used in the conversations the Prosecution has been authorised to use as well as of 'other key conversations' relevant to assessing issues in the case or the accused's credibility concerning issues in the case, thus impeding the Prosecution's ability to present its case during the accused's cross-examination and the Chamber's determination of the truth;¹³ (ii) due to the timing of the accused's testimony, as well as the time required to transcribe and translate the relevant conversations, not all important calls - including 'key summaries of calls that reveal the meaning of codes' - could be completed in advance of the accused's testimony;¹⁴ (iii) the timing of the accused's testimony should not be a basis for the Chamber to prevent the use of the summaries;¹⁵ (iv) the summaries were 'produced on the basis of translations of the

¹⁰ Request, ICC-01/04-02/06-1971, paras 2 and 15-16.

¹¹ Request, ICC-01/04-02/06-1971, para. 2.

¹² Request, ICC-01/04-02/06-1971, para. 14.

¹³ Request, ICC-01/04-02/06-1971, para. 2.

¹⁴ Request, ICC-01/04-02/06-1971, paras 17-18.

¹⁵ Request, ICC-01/04-02/06-1971, para. 19.

conversations completed by certified and professional translators’, and are ‘a valid basis’ for cross-examination of the accused;¹⁶(v) the use of summaries was ‘by implication’ approved by the Appeals Chamber in the case of *The Prosecutor v. Mathieu Ngudjolo Chui* (respectively ‘Ngudjolo case’ and ‘Ngudjolo Appeals Judgment’),¹⁷ which found that the relevant trial chamber’s prohibition on the use of the summarised information found in Registry Reports of Mr Ngudjolo’s Detention Centre communications was a legal error;¹⁸ (vi) the underlying audio-recording of each summarised conversation is available and interpreters for the languages used in the excluded conversations will be in the courtroom;¹⁹ and (vii) the relevant transcripts and translations for those summaries can be made available by the end of June 2017.²⁰

10. In relation to the Second Matter, the Prosecution submits that: (i) the Prosecution provided the Defence with full translations and transcriptions of the relevant KiHema conversations it wished to use;²¹ (ii) it is for the Defence to request sufficient resources for its own preparation if it chooses to contest the Prosecution’s translations;²² and (iii) the Defence has been on notice that the accused spoke KiHema in relevant communications since 19 December 2014.²³

Defence

11. The Defence submits that neither matter meets the standard for reconsideration, because no clear error of reasoning has been demonstrated, no new facts,

¹⁶ Request, ICC-01/04-02/06-1971, para. 19.

¹⁷ *The Prosecutor v. Mathieu Ngudjolo Chui*, Judgment on the Prosecutor’s appeal against the decision of Trial Chamber II entitled “Judgment pursuant to article 74 of the Statute”, 7 April 2015, ICC-01/04-02/12-271-Corr.

¹⁸ Request, ICC-01/04-02/06-1971, para. 20.

¹⁹ Request, ICC-01/04-02/06-1971, para. 21.

²⁰ Request, ICC-01/04-02/06-1971, para. 22.

²¹ Request, ICC-01/04-02/06-1971, para. 23.

²² Request, ICC-01/04-02/06-1971, para. 24.

²³ Request, ICC-01/04-02/06-1971, para. 24.

arguments or exceptional circumstances have been shown and reconsideration is not necessary to prevent an injustice.²⁴

12. In relation to the First Matter, the Defence argues that the accuracy and reliability of the summaries remains doubtful, noting that: (i) even if prepared ‘on the basis of translations of the conversations completed by certified and professional translators’,²⁵ they have not been certified as an accurate reflection of the words spoken by Mr Ntaganda and are not the work-product of translators;²⁶ (ii) the Defence has demonstrated that the summaries contain many inaccuracies and are significantly incomplete;²⁷ (iii) use of summaries increases the risk of incompleteness, as passages relevant to the interpretation of, in particular, codes may not be brought to light;²⁸ (iv) the availability of audio-recordings and interpreters in the courtroom does not allow the Defence to identify other relevant passages in ‘125 ten-minute conversations’;²⁹ (v) the Chamber’s ruling reflects ‘more global concerns arising from “an understanding” of the conversations that a party may bring to its selection of which conversations to re-produce in written form, or which portions may be reflected in a summary’;³⁰ (vi) the *Ngudjolo* Appeals Judgment ‘cannot [...] be relied upon as having found “by implication” that the use of summaries in any and all circumstances, let alone present circumstances, is appropriate’;³¹ and (vii) the deadline for production of transcripts and translations and the Chamber’s rejection of the proposal to replace summaries with transcripts by

²⁴ Response, ICC-01/04-02/06-1972, paras 1, 4, 18, and 29.

²⁵ The Defence refers to Request, ICC-01/04-02/06-1971, para. 19 (emphasis added by the Defence).

²⁶ Response, ICC-01/04-02/06-1972, paras 7 and 9.

²⁷ Response, ICC-01/04-02/06-1972, para. 8.

²⁸ Response, ICC-01/04-02/06-1972, para. 10.

²⁹ Response, ICC-01/04-02/06-1972, paras 11-12.

³⁰ Response, ICC-01/04-02/06-1972, paras 13-14.

³¹ Response, ICC-01/04-02/06-1972, para. 15.

the end of June 2017 was neither unfair, nor inappropriate, nor an abuse of discretion.³²

13. Turning to the Second Matter, the Defence argues that the suggestion that it has not prepared itself sufficiently is unfair, and that it understands there to be no KiHema interpreters certified by the Registry which could assist the Defence.³³ It further argues that the Prosecution has raised no new fact or argument compared to its initial request for use of conversations in KiHema, and that ‘no clear error has been shown, let alone any exceptional circumstance or miscarriage of justice requiring reconsideration’.³⁴

ii. Analysis

14. As the Chamber has previously noted, the Statute does not provide guidance on reconsideration of interlocutory decisions. However, the powers of a chamber allow it to reconsider its own decisions, whether prompted by one of the parties or *proprio motu*. Reconsideration of a decision is an exceptional measure, and should only be done if a clear error of reasoning has been demonstrated or if it is necessary to do so to prevent an injustice.³⁵
15. The Chamber considers that the Prosecution has failed to meet this standard.
16. In respect of the First Matter, the Chamber observes that the Prosecution essentially reiterates previous submissions in support of the admission of

³² Response, ICC-01/04-02/06-1972, paras 16-17.

³³ Response, ICC-01/04-02/06-1972, paras 27-28.

³⁴ Response, ICC-01/04-02/06-1972, paras 28-29. The Defence refers to the Prosecution’s submission in Request, ICC-01/04-02/06-1971, para. 24 that ‘it is often the case that members of a Defence team do not speak or understand a language used in the evidence of a case, but for which translations have been provided by the Prosecution in a working language of the Court’ and that ‘[w]ere the standard established by the Chamber to be an accepted practice, any Defence team could exclude relevant evidence simply by not preparing itself sufficiently’.

³⁵ Decision on the Defence request for reconsideration and clarification, 27 February 2015, ICC-01/04-02/06-483, para. 13.

summaries, notably in relation to the importance of certain conversations to understand some of the coded language used by the accused, as well as the availability of digital audio recordings and interpreters for the relevant languages used in these conversations in the courtroom.³⁶ The Prosecution also stresses that the summaries were ‘produced on the basis of translations of the conversations completed by certified and professional translators’ and are therefore ‘a valid basis’ for the cross-examination of Mr Ntaganda.³⁷

17. The Chamber recalls that in the Impugned Decision, it allowed the use of 22 conversations for which the corresponding transcripts and translations had been disclosed, and which allegedly reflect the direct words spoken by the accused, and found that the use of any of the summaries prepared by the Prosecution will not be permitted, ‘due to the fact that they have been prepared by a party to the proceedings and are therefore based on an understanding and translation of the conversations by the same party’.³⁸ The Chamber emphasises that this ruling ought to be read in conjunction with previous related decisions, in particular: (i) the ‘Decision on Defence request for stay of proceedings with prejudice to the Prosecution’,³⁹ in which the Chamber ruled that the Prosecution would not be allowed to use the material obtained in the context of the Article 70 proceedings during the Defence’s presentation of evidence unless specifically authorised by the Chamber as necessary for the determination of the truth pursuant to its duty under Article 69(3) of the Statute; and (ii) the ‘Decision on Defence request to preclude the use of certain material’,⁴⁰ in which the Chamber indicated that any decision on the use of any specific conversation

³⁶ See Prosecution reply to the “Response to ‘Prosecution’s request to use non-privileged Detention Centre communications during the testimony of Bosco Ntaganda and Prosecution’s supplemental request to use non-privileged Detention Centre communications during the testimony of Bosco Ntaganda’”(ICC-01/04-02/06-1940-Conf), 9 June 2017, ICC-01/04-02/06-1948-Conf, paras 13-14.

³⁷ Request, ICC-01/04-02/06-1971, para. 19.

³⁸ ICC-01/04-02/06-T-209-CONF-ENG ET, page 22 (emphasis added).

³⁹ 28 April 2017, ICC-01/04-02/06-1883.

⁴⁰ 23 May 2017, ICC-01/04-01/06-1918.

will be made on a case-by-case basis upon receipt of a substantiated request, and it provided additional directions on the requirements for any requests that may be filed in that context.

18. In addition, in arriving at the Impugned Decision itself, the Chamber considered a variety of factors, including, *inter alia*, the Prosecution's submissions on the importance of the conversations as well as the *non-verbatim* nature of the summaries, prepared by the Prosecution, and the Defence's challenges to their completeness and accuracy.
19. Further, in adjudicating the present Request, the Chamber considers that the reasons provided by the Prosecution for its failure to complete the transcriptions and translations for certain conversations, including conversations allegedly necessary to understand codes as well as certain 'key' conversations, by the deadline imposed by the Chamber, do not constitute new information, nor do they in any way warrant reconsideration of the Chamber's ruling. Moreover, with reference to the Prosecution's proposal to submit the relevant transcripts and translations by the end of June 2017, the Chamber recalls that this proposal was rejected in the Impugned Decision 'given the impact on the Defence's time and facilities to prepare for Mr Ntaganda's testimony', and is also not an appropriate basis for reconsideration of the Impugned Decision.⁴¹
20. Finally, the Chamber is of the view that the *Ngudjolo* Appeals Judgment is not directly applicable to the circumstances of the present case, noting that, as previously stressed,⁴² the situation underlying the Appeals Chamber's ruling differed in several respects from the situation at hand. In particular, the

⁴¹ ICC-01/04-02/06-T-209-CONF-ENG ET, page 22.

⁴² ICC-01/04-02/06-1918, para. 25.

Chamber notes that the Prosecution in the *Ngudjolo* case: (i) did not have full access to the original recordings of the relevant conversations; (ii) had sought to use excerpts of transcripts of conversations by Mr Ngudjolo instead of summaries; and (iii) the reports the Prosecution had sought to use had been prepared by the Registry, and not by a party to the proceedings.⁴³ The Chamber therefore considers that the Appeals Chamber in the *Ngudjolo* case did not take a position with respect to the use of summaries of conversations prepared by a party to the proceedings in circumstances where that same party had access to the original conversations.

21. Accordingly, the Chamber finds that the Prosecution failed to demonstrate a clear error of reasoning in the Impugned Decision or that reconsideration of the First Matter would be necessary to prevent an injustice.
22. Concerning the Second Matter, the Chamber notes that the Prosecution essentially reiterates arguments previously made and fails to provide any argument warranting reconsideration of the Chamber's ruling. The Chamber therefore finds that there is also no basis for reconsideration of the Impugned Decision in respect of the Second Matter.

⁴³ See *Ngudjolo* Appeals Judgment, paras 252, 269, 271, 276 and footnote 554.

B. Leave to Appeal

i. Submissions

Prosecution

23. The Prosecution requests leave to appeal the Impugned Decision with respect to the following two issues:
- i. 'Whether the Trial Chamber erred in applying its discretion by excluding communications solely because summaries of the underlying digital voice recordings were prepared by the Prosecution, a party to the proceedings' ('First Issue'); and
 - ii. 'Whether the Trial Chamber erred in applying its discretion by excluding fully translated and transcribed communications in the KiHema language solely because Defence counsel and team do not speak or understand the original language used by the Accused in the communications' ('Second Issue', and together, 'Issues').⁴⁴
24. The Prosecution submits that the Issues 'are appealable issues within the meaning of Article 82(1)(d) as they arise from the [Impugned] Decision and their resolution is essential to enable the Prosecution to properly cross-examine the Accused and in particular to enable the Chamber to: (a) understand codes used during Detention Centre communications that the Prosecution has been allowed by the Chamber to use; and (b) have available key additional Detention Centre communications relevant to assessing the credibility of the Accused and Defence witnesses due to testify who are mentioned in those communications'.⁴⁵

⁴⁴ Request, ICC-01/04-02/06-1971, para. 3

⁴⁵ Request, ICC-01/04-02/06-1971, para. 29.

It further argues, reiterating certain arguments made in support of its request for reconsideration of the Impugned Decision, that the Issues ‘affect the fairness of the proceedings because they impact the Prosecution’s ability to properly exercise its powers and fulfil its duties in article 54, including its ability to present its case and to establish the truth’.⁴⁶

25. According to the Prosecution, the Issues also affect the expeditious conduct of the proceedings, noting that: (i) allowing use of the excluded communications would enable the accused to answer the Prosecution’s questions on the calls and obviate the need to call or enquire further into the matter with subsequent witnesses; and (ii) resolution by the Appeals Chamber will clarify whether the excluded communications may be used with subsequent witnesses, which will expedite cross-examination and avoid litigation.⁴⁷ Finally, the Prosecution argues that immediate resolution of the Issues by the Appeals Chamber will materially advance the proceedings by ensuring that they follow the right course, and ‘ensure both that the Chamber’s resolution of the [witness interference] issue [in the present case] stands on solid legal ground and that future proceedings can unfold cognisant of the proper legal uses of such material at trial’.⁴⁸

Defence

26. The Defence argues that the First Issue does not arise from the Impugned Decision as it does not ‘accurately reflect the Chamber’s reasons for excluding the use of the 125 summaries’.⁴⁹ According to the Defence, the First Issue ‘presupposes, erroneously’ that the Chamber excluded the summaries ‘solely

⁴⁶ Request, ICC-01/04-02/06-1971, para. 30.

⁴⁷ Request, ICC-01/04-02/06-1971, para. 41.

⁴⁸ Request, ICC-01/04-02/06-1971, para. 46.

⁴⁹ Response, ICC-01/04-02/06-1972, para. 19.

because they had been prepared by the Prosecution’, while ‘[s]everal other factors, either expressly or by necessary implication, should be considered to have been within the Chamber’s contemplation’, including: ‘(i) the precision required in confronting a witness, in particular the accused, with words that are purported to be his own; (ii) the small percentage of conversations that have been produced relative to the summaries of the total; (iii) the incomplete and non-*verbatim* nature of the summaries; and (iv) the summaries – as the Prosecution acknowledges - have been produced for the purpose of establishing definitions for certain codes, which necessarily produces a risk in the context of selection within a large sample of “confirmation bias”’.⁵⁰

27. The Defence argues that, even if the First Issue was found to be appealable, the Prosecution has not established that it significantly affects the fairness of the proceedings, or their outcome, or that immediate appellate resolution will materially advance the proceedings.⁵¹ In this respect, the Defence notes that: (i) the Prosecution has not shown that it would be unable to achieve its intended purposes within the framework set out by the Chamber; (ii) the Prosecution’s assertion that the issue significantly affects the outcome of the trial is speculative; and (iii) the delays that would be caused by an appeal on this issue would interrupt Mr Ntaganda’s testimony and ‘confer a substantial tactical advantage to the Prosecution’.⁵²
28. With respect to the Second Issue, the Defence argues that the Request does not establish that the exclusion of the six KiHema conversations significantly affects the fair and expeditious conduct of proceedings or the outcome of the trial, noting that the Prosecution does not show that their content is ‘vital’ so as to

⁵⁰ Response, ICC-01/04-02/06-1972, paras 2 and 19-20 (footnotes omitted).

⁵¹ Response, ICC-01/04-02/06-1972, para. 24 and 26.

⁵² Response, ICC-01/04-02/06-1972, paras 24-26.

meet that standard.⁵³ It further argues that granting certification would not materially advance the proceedings, since the Request ‘does not show that an “authoritative determination” of this issue now is required to ensure that the proceedings avoid following a course that is so fatally flawed that the final Judgment would be insecure.’⁵⁴

ii. Analysis

29. The Chamber incorporates by reference the applicable law as set out in previous decisions on requests for leave to appeal.⁵⁵
30. In relation to the First Issue, as formulated by the Prosecution, the Chamber is not persuaded that it constitutes an issue arising from the Impugned Decision within the meaning of Article 82(1)(d) of the Statute. As recalled above, the Chamber found that the use of summaries will not be permitted, ‘due to the fact that they have been prepared by a party to the proceedings and are therefore based *on an understanding* and translation of the conversations by the same party’.⁵⁶ The Prosecution interprets this as meaning that ‘the Chamber excluded the [summaries] because the Prosecution completed the summaries and translation with the implication being that such work may not be accurate or reliable’.⁵⁷ However, as set out in paragraphs 17 to 18 above, this representation does not adequately reflect the variety of factors considered by the Chamber in reaching the Impugned Decision.
31. Accordingly, the Chamber considers that the First Issue does not adequately represent the Chamber’s ruling, and therefore does not arise from it. Having

⁵³ Response, ICC-01/04-02/06-1972, para. 30.

⁵⁴ Response, ICC-01/04-02/06-1972, para.31.

⁵⁵ See, for example, Decision on Defence request for leave to appeal the Chamber’s decision on postponement of the trial commencement date, 4 August 2015, ICC-01/04-02/06-760-Red, paras 20-21.

⁵⁶ ICC-01/04-02/06-T-209-CONF-ENG ET, page 22 (emphasis added).

⁵⁷ Request, ICC-01/04-02/06-1971, para. 32.

found that the First Issue does not constitute an appealable issue, it is unnecessary for the Chamber to consider whether the remaining criteria under Article 82(1)(d) are met in relation to this issue.

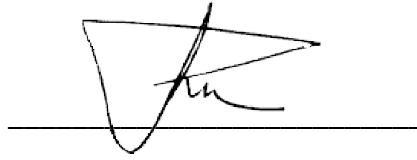
32. Turning to the Second Issue, the Chamber finds that it does arise from the Impugned Decision. However, noting the limited number of conversations affected by this issue, as well as the fact that the Impugned Decision does not preclude any future substantiated request for use of this material with other witnesses - to the extent that the Defence can be provided with access to the relevant translation and interpretation facilities, the Chamber does not consider that it affects the fair and expeditious conduct of the proceedings or the outcome of the trial. In light of this, the Prosecution's arguments in support of the requirements of Article 82(1)(d) of the Statute having been met are unduly speculative and, ultimately, unfounded. Furthermore, the Chamber considers that the Prosecution has failed to show how, and the Chamber does not find that, an intervention of the Appeals Chamber at this stage in relation to the Second Issue may materially advance the proceedings.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

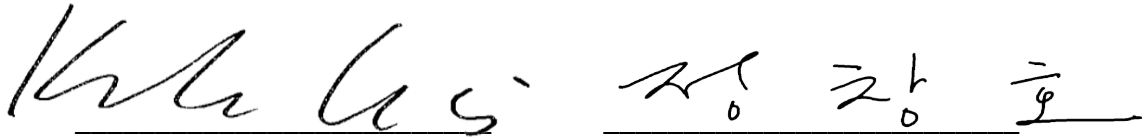
REJECTS the Request; and

ORDERS the parties to file public redacted versions of filings ICC-01/04-02/06-1925-Conf, ICC-01/04-02/06-1930-Conf, ICC-01/04-02/06-1940-Conf, ICC-01/04-02/06-1942-Conf, and ICC-01/04-02/06-1948-Conf within two weeks of notification of the present decision.

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 'remr', written over a horizontal line.

Judge Robert Fremr, Presiding Judge

Two handwritten signatures in black ink, one in Latin script and one in Korean, written over a horizontal line.

Judge Kuniko Ozaki

Judge Chang-ho Chung

Dated 23 June 2017

At The Hague, The Netherlands