

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
6 February 2018

**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**

**Order on admission of items marked for identification**

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**

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**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, in the case of *The Prosecutor v. Bosco Ntaganda*, having regard to Article 64 of the Rome Statute, issues this 'Order on admission of items marked for identification'.

1. On 22 December 2017, the Chamber ordered the defence team for Mr Ntaganda ('Defence') and the Office of the Prosecutor ('Prosecution') to make joint submissions on: (i) transcripts and translations marked for identification during the Defence's presentation of evidence, indicating any remaining disagreements as to their accuracy or any agreements on corrections thereon; and (ii) any other outstanding items marked for identification during the Defence case.<sup>1</sup>
2. On 12 January 2018, in line with the Chamber's direction, the parties filed a joint submission ('Joint Submission'),<sup>2</sup> indicating their views on each item in a confidential annex.<sup>3</sup> The parties: (i) request the admission of six transcripts and translations of video-material that were marked for identification during the Defence case and which are now uncontested ('Uncontested Items');<sup>4</sup> (ii) request the Chamber to admit the uncontested transcript and translation of a video marked for identification during the Prosecution case, inadvertently not previously submitted ('Uncontested Prosecution Items');<sup>5</sup> (iii) identify four transcripts and translations that remain contested ('Contested Items');<sup>6</sup> and (iv) make submissions on two other items marked for identification during the Defence case ('Other Items').<sup>7</sup>

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<sup>1</sup> Order providing directions related to the closure of the presentation of evidence, ICC-01/04-02/06-2166, paras 13-14.

<sup>2</sup> Joint Submission by Prosecution and Defence on items Marked for Identification during the Defence case, ICC-01/04-02/06-2182.

<sup>3</sup> ICC-01/04-02/06-2182-Conf-AnxA.

<sup>4</sup> Joint Submission, ICC-01/04-02/06-2181, paras 4-5, referring to DRC-OTP-1050-0525, lines 1-315 and DRC-OTP-1050-0298, lines 1-316.

<sup>5</sup> Joint Submission, ICC-01/04-02/06-2181, para. 8, referring to DRC-OTP-1050-0525, lines 1-315 and DRC-OTP-1050-0298, lines 1-316.

<sup>6</sup> Joint Submission, ICC-01/04-02/06-2181, paras 6-7, and confidential Annex, referring to DRC-D18-0001-5550; DRC-D18-0001-5576; DRC-D18-0001-5562; and DRC-D18-0001-5587.

<sup>7</sup> Joint Submission, ICC-01/04-02/06-2181, paras 9-11 referring to DRC-D01-0003-5896 and DRC-D01-0003-5900.

3. On 16 January 2018, the Chamber directed the Registry's Language Services Section to review the Contested Items by 30 January 2018.<sup>8</sup>
4. On 31 January 2018, the Registry filed its submissions on the Contested Items ('Registry Observations').<sup>9</sup>
5. As a preliminary matter, with regard to the timing of the filing of the Registry Observations, the Chamber recalls that if it becomes apparent that a deadline cannot be complied with, the Chamber is to be informed before the expiry of the time limit and, where necessary, be seised with a request for extension.
6. Noting the Joint Submission, the Chamber finds it appropriate to admit into evidence the Uncontested Items and Uncontested Prosecution Items.
7. Further, on the basis of the Registry Observations, the Chamber finds it appropriate to admit the Contested Items after implementation by the Defence of the Registry's comments.
8. Finally, with reference to the Other Items, the Chamber notes that the Defence only maintains its request for admission of one item.<sup>10</sup> Noting that this item has, since the Joint Submission was filed, been admitted into evidence, by way of the Chamber's decision of 31 January 2018,<sup>11</sup> the Chamber considers that no further action is required.

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<sup>8</sup> Email from the Chamber to the Registry at 18:00.

<sup>9</sup> Review by the Registry's Language Services Section in relation to the "Joint submission by Prosecution and Defence on items Marked for Identification during the Defence Case, ICC-01/04-02/06-2202 and confidential Annexes A and B. The document was notified on 1 February 2018 and a courtesy copy thereof was provided via email on 31 January 2018, at 17:35.

<sup>10</sup> See Joint Submission, ICC-01/04-02/06-2181, para. 11, providing that the defence maintains its request for admission of item DRC-D01-0003-5896 from the bar table.

<sup>11</sup> DRC-D01-0003-5896, admitted pursuant to Decision on Defence request for admission of evidence from the bar table, 31 January 2018, ICC-01/04-02/06-2201-Conf. A public redacted version was filed on the same day as ICC-01/04-02/06-2201-Red.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

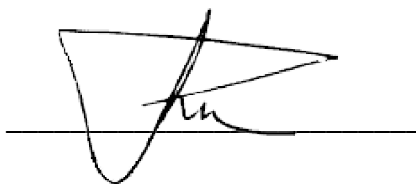
**ADMITS INTO EVIDENCE** the following items:

- ) Transcript DRC-D18-0001-5531;
- ) Transcript DRC-OTP-2101-1106;
- ) Transcript DRC-D18-0001-5599;
- ) Transcript DRC-D18-0001-5620;
- ) Transcript DRC-OTP-1050-0525, lines 1-315;
- ) Transcript DRC-D18-0001-5550;
- ) Transcript DRC-D18-0001-5576;
- ) Translation DRC-OTP-2101-1391;
- ) Translation DRC-OTP-1050-0298, lines 1-316;
- ) Translation DRC-D18-0001-5562; and
- ) Translation DRC-D18-0001-5587;

**ORDERS** the Defence to upload and release on eCourt by 16 February 2018 amended versions of the Contested Items in accordance with paragraph 7 of this order; and

**ORDERS** the Registry to update the eCourt metadata for the items admitted into evidence pursuant to this order to reflect their admitted status within one week of the amended versions of the Contested Items being released by the Defence.

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

A handwritten signature in black ink, consisting of a large, stylized 'F' shape with a horizontal line extending to the right, positioned above a solid horizontal line.

**Judge Robert Fremr, Presiding Judge**

A handwritten signature in black ink, appearing as a series of fluid, connected cursive strokes, positioned above a solid horizontal line.

**Judge Kuniko Ozaki**

A handwritten signature in black ink, consisting of several distinct, sharp strokes, positioned above a solid horizontal line.

**Judge Chang-ho Chung**

Dated 6 February 2018

At The Hague, The Netherlands