

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **23 March 2015**

**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**

**Prosecution request to file a reply to the “Response on Behalf of Mr Ntaganda to Prosecution’s request for variation of time limit to disclose the transcriptions of ‘Radio Candip’ broadcasts”**

**Source:** Office of the Prosecutor

**Document 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 the Defence**

Mr Stéphane Bourgon  
Mr Luc Boutin

**Legal Representatives of the Victims**

Ms Sarah Pellet  
Mr Dmytro Suprun

**Legal Representatives of the Applicants**

**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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## Prosecution's Submissions

1. Pursuant to regulation 24(5) of the Regulations of the Court ("RoC"), the Office of the Prosecutor ("Prosecution") requests Trial Chamber VI ("Chamber") to grant the Prosecution leave to file a reply to the "Response on Behalf of Mr Ntaganda to Prosecution's request for variation of time limit to disclose the transcriptions of 'Radio Candip' broadcasts" ("Response").<sup>1</sup>
2. On 2 March 2015, the Prosecution filed a motion in which it requested a variation of the time limit to disclose the transcription of five radio broadcasts ("Motion").<sup>2</sup> The radio broadcasts were disclosed on 2 March 2015.
3. On 20 March 2015, the Defence filed its Response. Although the Defence "takes no position with respect to the Prosecution Request",<sup>3</sup> it makes a number of observations to which the Prosecution seeks leave to reply.
4. First, the Defence states that the Prosecution has not provided justification for the redactions to the filing. The justification for the redactions is set out in paragraph 4 of the Motion.<sup>4</sup> Further, the redacted information in paragraphs 11 to 16 is unrelated to the request to vary the time limit with respect to the Radio Candip broadcasts.
5. Second, the Defence states that the Prosecution has not provided information as to why the broadcasts could not be obtained earlier. The Prosecution has provided information to the Chamber on the date it collected the broadcasts and

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<sup>1</sup> ICC-01/04-02/06-527.

<sup>2</sup> ICC-01/04-02/06-489-Conf-Exp and public redacted version ICC-01/04-02/06-489-Red.

<sup>3</sup> ICC-01/04-02/06-527, para.6.

<sup>4</sup> ICC-01/04-02/06-489-Conf-Exp, para.4.

reasons for delay in transcription.<sup>5</sup> It can further elaborate on these points in its reply.

6. Third, the Defence states that full disclosure of all material in the Prosecution's possession is "far from being complete"<sup>6</sup> without any foundation for this statement. The Prosecution seeks leave to reply to this statement, which is inaccurate.
7. Fourth, the Defence states that Prosecution "is providing the Defence with last minute disclosure on a continuous basis".<sup>7</sup> The Prosecution seeks leave to reply to this statement, which is incorrect.
8. In light of the above, and pursuant to regulation 24(5) of the RoC, the Prosecution requests that the Chamber grant it leave to reply.
9. The Prosecution's reply would assist the Chamber in its determination. Should the Chamber grant leave, the Prosecution will set out its substantive submissions in its reply without repeating any arguments contained in its Motion.

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<sup>5</sup> ICC-01/04-02/06-527, paras.7-8.

<sup>6</sup> ICC-01/04-02/06-527, para.7.

<sup>7</sup> ICC-01/04-02/06-527, para.9.

## Request

10. Based on the foregoing, and pursuant to regulation 24(5) of the RoC, the Prosecution requests that the Chamber grant leave to file a reply to the Response.



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Fatou Bensouda, Prosecutor

Dated this 23<sup>rd</sup> Day of March 2015  
At The Hague, the Netherlands