



Original: **English**

No.: ICC-01/04-01/10
Date: **7 September 2011**

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Cuno Tarfusser
Judge Sylvia Steiner

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF
THE PROSECUTOR v. Callixte MBARUSHIMANA

**Public document
with Confidential Annex 1**

**English version of the Prosecution's amended list of evidence
(ICC-01/04-01/10-392)**

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

Counsel for the Defence

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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

Registrar

Ms. Silvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 30 August 2011, the Prosecution re-filed its list of evidence in compliance with the Pre-Trial Chamber I's ("the Chamber") decision of 16 August 2011.¹ The Prosecution hereby files, as confidential Annex 1, the English version of Part I of its list of evidence.
2. In this version, the Prosecution has made the following corrections:
 - a. The ERN of the summary of the statement of W-559 has been corrected;²
 - b. Nine items of evidence have been identified in red or green as evidence the Prosecution no longer relies on (signified by red) or for which the ERNs required corrections (signified by green) ³
3. The Prosecution submits that no prejudice arises from these corrections. The summary of W-559's statement was identified by its full title wherever it appeared on the list of evidence filed on 30 August.⁴ The summary was disclosed in compliance with the Chamber's order on 30 August 2011 with the same title.
4. As for the nine items of evidence which now appear in red or green, these had already been identified on 30 August 2011 as evidence the Prosecution no longer relies on or evidence for which the ERNs required corrections.⁵ The change to the font colour is merely an aid to assist the reader to identify these items where they appear in the list of evidence.

¹ ICC-01/04-01/10-378.

² References to DRC-OTP-2040-0897 were replaced by DRC-OTP-2040-0973 a total of 19 times. Page and paragraph numbers were corrected accordingly.

³ The following ERNs now appear in red: DRC-OTP-2022-0543, DRC-REG-0008-1414, DRC-OTP-0001-1650 and DRC-OTP-0001-2027. The following ERNs now appear in green: DRC-REG-0002-0864, DRC-REG-2013-2714, DRC-OTP-2014-082, DRC-REG-0001-0681, and DRC-REG-0008-984.

⁴ See, for example, ICC-01/04-01/10-392-Conf-Anx1, pages 18, 27, 30 and 31.

⁵ The items were identified in the explanatory note that accompanied the Prosecution's filing of its amended list of evidence on 30 August. See ICC-01/04-01/10-392- Anx3.



Luis Moreno-Ocampo
Prosecutor

Dated this 7th day of September 2011

At The Hague, The Netherlands