

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 28 August 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

PUBLIC

with Confidential, Prosecution and Defence Only, Annexes A, B and C

Prosecution's Communication of the Disclosure of Evidence

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

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Nicole Samson, Trial Lawyer

Counsel for the Defence

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Legal Representatives of Victims

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

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

1. The Prosecution herewith submits its communication of the disclosure of incriminatory evidence pursuant to Articles 61(3)(b), and 67(1)(a) and (b) of the Rome Statute (the “Statute”).
2. On 22 August 2013, the Prosecution disclosed to the Defence a total of 242 items, listed in Confidential Annex A.¹ In compliance with the Single Judge’s “Decision Setting the Regime for Evidence Disclosure and Other Related Matters”,² the Prosecution also provided the material to the Registry.
3. The Prosecution notes that some of the material disclosed to the Defence is subject to protective measures imposed by Trial Chamber I. It has informed the Defence of these protective measures. For the Single Judge’s convenience, the Prosecution provides a list of all evidence that has been disclosed to the Defence to date for which protective measures under Regulation 42 are in place, with a reference to the corresponding protective measures imposed by Trial Chamber I (Confidential Annex C).³
4. Lastly, the Prosecution herewith provides the Chamber with the in-depth analysis chart of incriminating evidence that accompanied the disclosure, attached in Confidential Annex B, which it has already provided to the Defence.

¹ As required by the Single Judge, the two lists of evidentiary items contained in Confidential Annex A reflect the level of confidentiality applicable to each item. The Prosecution will inform the Court Management Section of the recipients - at this stage the Defence only - to whom the material should be released in e-Court.

² ICC-01/04-02/06-47.

³ In certain cases, the decision imposing protective measures has no public redacted version. In that case, the Prosecution has referred to the confidential or *ex parte* version of the decision with a brief reference to the nature of the protective measure without compromising any of the protected information.



Fatou Bensouda,
Prosecutor

Dated this 28th day of August 2013
At The Hague, The Netherlands