

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06
Date: 5 September 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

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor
Nicole Samson, Trial Lawyer

Counsel for the Defence

Marc Desalliers
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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 Other
Section**

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”) and of material falling within Rule 77 of the Rules of Procedure and Evidence (the “Rules”).
2. On 2 September 2013, the Prosecution disclosed to the Defence a total of 968 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 other Chambers of this Court. It hereby informs the Single Judge and the Defence of the nature of these protective measures (Confidential Annex B).
4. Lastly, the Prosecution herewith provides the Chamber and the Defence with the in-depth analysis chart of incriminating evidence, appended in Confidential Annex C. At the end of the in-depth analysis chart,³ the Prosecution has included a table listing the witness-related material disclosed as incriminatory evidence to date.

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 on e-Court.

² ICC-01/04-02/06-47.

³ Confidential Annex C, p. 327 onwards.



Fatou Bensouda,
Prosecutor

Dated this 5th day of September 2013
At The Hague, The Netherlands