

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 8 October 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***

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

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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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
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States Representatives

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REGISTRY

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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.
2. On 2 September 2013, in accordance with the Single Judge's "Decision on the Prosecution's Urgent Request to Postpone the Date of the Confirmation Hearing" and Setting a New Calendar for the Disclosure of Evidence Between the Parties",¹ the Prosecution filed its first application for redactions to evidence on which it intends to rely for the purposes of the confirmation of charges hearing.²
3. On 1 October 2013, the Single Judge issued the "First Decision on the Prosecutor's Requests for Redactions and Other Related Requests" ("First Decision"),³ granting, rejecting or ordering *proprio motu* redactions to documents to be disclosed in the approved redacted form within five days of the Decision.
4. In compliance with the Single Judge's First Decision, on 7 October 2013, the Prosecution disclosed to the Defence a total of 128 items,⁴ listed in Confidential Annex A.⁵
5. The Prosecution notes that some of the material disclosed to the Defence is subject to protective measures imposed by other Chambers of this Court.⁶

¹ ICC-01/04-02/06-73, page 19.

² ICC-01/04-02/06-98-Conf-Exp.

³ ICC-01/04-02/06-117-Conf-Red.

⁴ In compliance with the Single Judge's "Decision Setting the Regime for Evidence Disclosure and Other Related Matters" (ICC-01/04-02/06-47), the Prosecution also provided the evidentiary material to the Registry.

⁵ As required by the Single Judge, the list 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.

⁶ DRC-OTP-2026-0120: See oral decision in ICC-01/04-01/06-T-104, at page 10, line 16 to page 13, line 10; DRC-OTP-2054-1255 and DRC-OTP-2054-1353: See oral decision in ICC-01/04-01/06-T-104, at page 1, line 13 to page 5, line 1.

6. Lastly, the Prosecution herewith provides the Chamber and the Defence with the in-depth analysis chart of incriminating evidence, appended in Confidential Annex B.

Confidentiality

7. Pursuant to Regulation 23*bis*, this present filing is classified as "Confidential" as it refers to a decision that bears that classification level.



Fatou Bensouda,
Prosecutor

Dated this 8th day of October 2013
At The Hague, The Netherlands