

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 23 January 2014

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, Annex A
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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Marc Desalliers
Ms Caroline Buteau
Ms Andrea Valdivia

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Introduction

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 and of material falling within Rule 77 of the Rules of Procedure and Evidence (the “Rules”).

Procedural background

2. On 1 November 2013, further to the Single Judge’s decision setting a new calendar for the disclosure of evidence between the parties,¹ the Prosecution filed its third application for redactions to evidence on which it intends to rely at the confirmation of charges hearing.² On 5 December 2013, the Single Judge issued the “Third Decision on the Prosecutor’s Requests for Redactions” (“Third Decision”), authorising redactions to the materials that formed part of the Prosecution’s third application for redactions, which included the interview transcripts of witness P-0055.³
3. On 20 December 2013, the Defence requested the translation into Kinyarwanda of several statements and interview transcripts disclosed to it by the Prosecution, in accordance with the Third Decision.⁴ The Single Judge granted this request on 30 December 2013 and ordered the Prosecution to disclose the translations of the interview transcripts of witness P-0055 by 22 January 2014.⁵

Disclosure of evidence

4. In compliance with the Single Judge’s decisions, on 22 January 2014, the Prosecution disclosed these translations to the Defence. The Prosecution further

¹ ICC-01/04-02/06-73.

² ICC-01/04-02/06-124-Conf-Exp and ICC-01/04-02/06-134-Conf-Exp.

³ ICC-01/04-02/06-165-Conf-Exp.

⁴ ICC-01/04-02/06-187.

⁵ ICC-01/04-02/06-193.

disclosed materials falling within Rule 77, including 35 items pursuant to a request sent by the Defence on 16 January 2014, and appends the total list of the evidence disclosed in Confidential Annex A. The Prosecution notes that some of these materials are subject to protective measures, namely redactions, imposed by other Chambers of this Court.



Fatou Bensouda,
Prosecutor

Dated this 23rd of January 2014
At The Hague, The Netherlands