

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 3 March 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Geoffrey Henderson

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

**Public
with Confidential 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

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Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

Introduction

1. The Office of the Prosecutor (“Prosecution”) provides notice of the disclosure of incriminatory evidence pursuant to articles 64(3)(c) 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”).

Disclosure of evidence

2. On 2 March 2015, the Prosecution disclosed 393 items as incriminating evidence and 276 items falling under the provision of rule 77 of the Rules. The Prosecution notes that 78 items of the total of 669 items in these packages had already been disclosed in this case. The Prosecution re-disclosed these items because it has lifted or converted certain redactions to the approved redaction category codes, in accordance with the Redaction Protocol,¹ or because it has re-classified the materials as incriminating evidence.
3. The Prosecution further notes that, for technical reasons, 254 of the 669 items could not be included in the disclosure packages, but have been provided to the defence by way of advance copies. These items include: (1) 129 *draft* Kinyarwanda translations; (2) 113 documents received by the Prosecution between 27 February and 2 March 2015; (3) three documents that form part of the Prosecution’s request for non-standard redactions filed on 2 March 2015;² and (4) nine documents received from the United Nations for which the restrictions under article 54(3)(e) were lifted on 2 March 2015. The Prosecution will proceed to their *formal* disclosure as soon as possible.

¹ ICC-01/04-02/06-411-AnxA.

² ICC-01/04-02/06-492-Red.

4. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

5. Pursuant to Regulation 23bis (1) of the regulations of the Court, the annex to this document is classified as confidential because it references disclosed materials designated as such.



Fatou Bensouda,
Prosecutor

Dated this 3rd day of March 2015
At The Hague, The Netherlands