

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 18 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 Annexes A and B**

**Prosecution's Communication of the Disclosure of Evidence and Submission of
Rule 77 Inspection Report**

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 Stéphane Bourgon
Mr Luc Boutin
Mr William St-Michel

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 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”). It also provides notice of the inspection of materials by the Defence pursuant to rule 77.

Disclosure of evidence

2. On 17 March 2015, the Prosecution proceeded to the formal disclosure of 138 items which were already provided to the Defence by way of advance copies.
3. For technical reasons, on 2 March 2015, the Prosecution could not include in its disclosure packages 113 documents received by the Prosecution between 27 February and 2 March 2015 as well as nine documents received from the United Nations for which the restrictions under article 54(3)(e) were lifted shortly before the disclosure. These documents were provided to the Defence by way of advance copies on 2 March 2015 and have now been formally disclosed.¹
4. As announced in the “Prosecution’s Provision of the Current Status of Disclosure” filed on 16 March 2015,² the Prosecution also formally disclosed the redacted statements or interview transcripts of non-trial Witnesses P-0871, P-0876 and P-0882 as well as the proposed summaries of the statements of non-trial Witnesses P-0013, P-0040, P-0044 and P-0816. Copies of these documents were provided to the Defence on 13 March 2015.

¹ The Prosecution notes that 8 of the 113 advance copies provided to the Defence on 2 March 2015 were in fact parts of two documents. These parts were combined and registered as two documents, which explains why 107 and not 113 documents received from this source were formally disclosed on 17 March 2015.

² ICC-01/04-02/06-517.

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

Inspection of materials by the Defence

6. Lastly, on 10 March 2015, the Prosecution informed the Defence that it intended to return certain original documents disclosed by the Prosecution as incriminatory evidence and offered the Defence an opportunity to inspect these originals pursuant to rule 77. The Defence accepted this offer and the inspection took place on the premises of the Office of the Prosecutor on Wednesday, 18 March 2015. The Prosecution herewith submits an "Inspection Report", appended in Confidential Annex B.

Confidentiality

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annexes to this document are classified as confidential because they reference disclosed materials designated as such.



Fatou Bensouda,
Prosecutor

Dated this 18th day of March 2015
At The Hague, The Netherlands