

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 1 May 2015

TRIAL CHAMBER VI

Before: Judge Robert Fremr, Presiding Judge
Judge Kuniko Ozaki
Judge Chang-ho Chung

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public
With confidential Annex A and public Annex B
Prosecution's Updated List of Evidence and List of Witnesses

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Unrepresented Applicants
(Participation/Reparation)**

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States' Representatives

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**Victims Participation and Reparations
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Other

Introduction

1. The Prosecution files updated versions of its List of Evidence and List of Witnesses to reflect disclosures effected on or since 2 March 2015, as well as the recent death of one Prosecution witness.

Confidentiality

2. Annex A to this filing is classified as “Confidential”, as it contains identifying information about Prosecution witnesses.

Procedural history

3. On 9 October 2014, the Chamber ordered the Prosecution to file final versions of its List of Witnesses and List of Evidence by 2 March 2015.¹
4. On 2 March 2015, the Prosecution filed its List of Witnesses and its List of Evidence.²
5. On 18 March 2015, the Prosecution filed a request to amend its List of Evidence.
6. On 22 April 2015, the Chamber rendered an oral ruling on the Prosecution’s request, holding it “unnecessary to rule specifically on amendments to the List of Evidence” and directing the Prosecution to “file an updated List of Evidence into the case record whenever amendments to it are made”.³

¹ ICC-01/04-02/06-382-Corr, para.9(c).

² ICC-01/04-02/06-491-Conf-Exp-AnxA and ICC-01/04-02/06-491-Conf-AnxC.

³ ICC-01/04-02/06-T-19-ENG, p.11, line 7 to p.12, line 3.

Provision of an Updated List of Evidence

7. In accordance with the Chamber's direction of 22 April 2015,⁴ the Prosecution files an Updated List of Evidence (Annex B).
8. This updated list reflects the disclosures effected on or after 2 March 2015 of items related to: (i) Prosecution expert witnesses;⁵ (ii) witnesses for whom the Chamber either authorised the delayed disclosure of their identity or varied the deadline for the disclosure of their materials under to regulation 35 of the Regulations of the Court;⁶ (iii) the materials referred to in the "Prosecution request to amend its List of Evidence"⁷; and (iv) the transcription and translation⁸ of one video disclosed as incriminating evidence on 2 September 2013.⁹

Provision of an Updated List of Witnesses

9. Following the disclosure of the identity of all Prosecution witnesses and experts as well as the death of one Prosecution witness, the Prosecution files an Updated List of Witnesses (Annex A).
10. On 17 April 2015, the Prosecution disclosed the identity of the last remaining witness for whom the Chamber had authorised delayed disclosure.¹⁰ On the same day, the Prosecution filed its List of Expert Witnesses.¹¹
11. The Prosecution further notifies the Chamber, the Defence and the Legal Representatives of Victims of the death of Prosecution Witness P-0041. The Prosecution was recently advised that Witness P-0041 died unexpectedly. This individual testified (with in-court protective measures) in the *Lubanga*

⁴ ICC-01/04-02/06-T-19-ENG, p.11, line 7 to p.12, line 3.

⁵ See ICC-01/04-02/06-564.

⁶ ICC-01/04-02/06-537-Red2; See ICC-01/04-02/06-535, ICC-01/04-02/06-558 and ICC-01/04-02/06-564.

⁷ ICC-01/04-02/06-524.

⁸ DRC-OTP-2084-0041 and DRC-OTP-2084-0092.

⁹ DRC-OTP-0118-0002.

¹⁰ See ICC-01/04-02/06-564.

¹¹ ICC-01/04-02/06-561.

proceedings. In due course, the Prosecution will apply under rule 68 of the Rules of Procedure and Evidence to have his prior recorded testimony and statements admitted into evidence.

12. The Prosecution's List of Witnesses has been amended to reflect the above changes.

13. Lastly, the Prosecution notes that it will send a request to CMS to re-classify the unredacted versions of the summaries of expected witness testimony, filed on 2 March 2015,¹² from "Confidential *ex parte*" to "Confidential".



Fatou Bensouda
Prosecutor

Dated this 1st day of May 2015
At The Hague, The Netherlands

¹² ICC-01/04-02/06-491-Conf-Exp-AnxB.