

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

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**

**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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Participation/Reparation**

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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**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”).

## **Disclosure of evidence**

2. On 22 April, 30 April and 1 May 2015, the Prosecution disclosed a total of 78 items as incriminating evidence.
3. These items include 18 interview transcripts previously disclosed with redactions to the name of Witness P-0888. Following the disclosure of P-0888’s identity, on 17 April 2015, the Prosecution re-disclosed these transcripts, having lifted the relevant redactions. The Prosecution also disclosed a lesser redacted version of a statement of Witness P-0317.
4. In accordance with the Chamber’s “Decision on the Prosecution’s application for delayed disclosure”,<sup>1</sup> the Prosecution disclosed the transcriptions of the second and final part of the interview of Witness P-0907. The Prosecution also disclosed the audio recordings of both parts of this witness’s interview as well as the audio recordings of the interview of Witness P-0911.
5. The Prosecution further disclosed the final versions of the Kinyarwanda translations of the interview of Witness P-0769, draft versions of which were provided to the Defence on 2 March 2015. The Prosecution notes that, on 8 April 2015, it provided draft Kinyarwanda translations of the interview of

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<sup>1</sup> ICC-01/04-02/06-537-Red2

Witness P-0901 to the Defence, as agreed. The Prosecution will formally disclose the final versions of these translations as soon as possible.

6. Following the Trial Chamber's oral ruling<sup>2</sup> on the "Prosecution request to amend its List of Evidence",<sup>3</sup> the Prosecution disclosed a better quality version of a previously disclosed photograph.<sup>4</sup>
7. Lastly, in accordance with the Trial Chamber's "Decision on the Prosecution's request for variation of time limit to disclose the transcripts of 'Radio Candip' broadcasts",<sup>5</sup> the Prosecution provided the Defence with advance copies of five transcriptions of the 'Radio Candip' broadcasts disclosed on 2 March 2015. The Prosecution notes that two of the broadcasts contain portions in a language that it has not yet been able to identify. The Prosecution intends to identify the language spoken, complete the transcription and formally disclose all five transcriptions as soon as possible.
8. The Prosecution appends the list of the evidence disclosed in Confidential AnnexA.

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<sup>2</sup> ICC-01/04-02/06-T-19-ENG, p.11, line 7 to p.12, line 3.

<sup>3</sup> ICC-01/04-02/06-524.

<sup>4</sup> ICC-01/04-02/06-524-Conf-AnxB and DRC-OTP-0152-0240.

<sup>5</sup> ICC-01/04-02/06-580.

### Confidentiality

9. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annex to this document is classified as confidential because it references disclosed materials designated as such.



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Fatou Bensouda,  
Prosecutor

Dated this 1<sup>st</sup> day of May 2015  
At The Hague, The Netherlands