

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 29 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 public Annex A**

Prosecution's Updated List of Evidence

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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Introduction

1. Following the direction of Trial Chamber VI (“Chamber”) dated 28 May 2015 to clearly identify items added to the Prosecution’s List of Evidence, the Prosecution files an updated version of its List of Evidence. This updated version separately lists under three headings (1) the original List of Evidence filed on 2 March 2015, (2) the items added on 1 May 2015, (3) and nine newly added items, which were disclosed on 6 May 2015, following authorisation by the Chamber.

Procedural history

2. 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
3. On 2 March 2015, the Prosecution filed its List of Witnesses and its List of Evidence.²
4. On 19 March 2015, the Prosecution filed a request to amend its List of Evidence.³
5. 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”.⁴
6. On 29 April 2015, the Defence requested the Chamber to reconsider its oral decision of 22 April 2015 (“Defence Request”).⁵

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-01/04-02/06-524.

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

⁵ ICC-01/04-02/06-577.

7. On 1 May 2015, the Prosecution filed an Updated List of Evidence.⁶
8. On 15 May 2015, the Prosecution opposed the Defence Request.⁷
9. On 28 May 2015, the Chamber rejected the Defence Request, indicating, however, that “the Prosecution’s most recent amended List of Evidence did not clearly indicate which additions it made” and that it “expects these changes to be notified in a clear manner to the Defence (such as by listing each additional document by its identifying number rather than integrating the new items into the original List of Evidence”.⁸

Provision of an Updated List of Evidence

10. The Prosecution files an Updated List of Evidence (Annex A). In accordance with the Chamber’s direction of 28 May 2015,⁹ this list clearly indicates which items were added when the Prosecution filed its Updated List of Evidence, on 1 May 2015.¹⁰ The Prosecution also adds to its List of Evidence nine items of incriminating evidence disclosed on 6 May 2015.¹¹

⁶ ICC-01/04-02/06-587.

⁷ ICC-01/04-02/06-597.

⁸ ICC-01/04-02/06-611, para.15.

⁹ ICC-01/04-02/06-611, para.15.

¹⁰ ICC-01/04-02/06-587.

¹¹ On 6 May 2015, the Prosecution disclosed four items related to an expert witness and *formally* disclosed five transcripts of ‘Radio Candip’ broadcasts previously provided to the Defence by way of advance copies (see ICC-01/04-02/06-588 and ICC-01/04-02/06-591). These items were disclosed in accordance with the Chamber’s “Decision on the Prosecution’s request for variation of time limit to disclose the transcripts of ‘Radio Candip’ broadcasts” (ICC-01/04-02/06-580) and the “Decision on the Prosecution request for variation of time limit for disclosure of the report of one expert witness” (ICC-01/04-02/06-581).

11. Annex A separately lists under three headings (1) the List of Evidence filed on 2 March 2015, (2) the list of items added on 1 May 2015 and (3) a list of the nine items added on 29 May 2015.



Fatou Bensouda
Prosecutor

Dated this 29th day of May 2015
At The Hague, The Netherlands