

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 June 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:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of the Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. In accordance with the Trial Chamber (“Chamber”)’s decisions of 22 April and 25 May 2015, the Prosecution files an Updated List of Evidence, having added three items to the list.

Procedural history

2. On 9 October 2014, the Chamber ordered the Prosecution to file a final version of its List of Evidence by 2 March 2015.¹
3. On 2 March 2015, the Prosecution filed 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
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

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.

⁶ ICC-01/04-02/06-587.

⁷ ICC-01/04-02/06-597.

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
10. On 29 May 2015, the Prosecution filed an Updated List of Evidence.⁹

Provision of an Updated List of Evidence

11. In accordance with the Chamber’s oral decision of 22 April 2015¹⁰ and its decision of 28 May 2015,¹¹ the Prosecution files an Updated List of Evidence (Annex A), having added three items to the list. These three items, which are identified in part IV of Annex A, are publicly available documents – one United Nations report and two United Nations Security Council resolutions – which the Prosecution disclosed under the provision of rule 77 of the Rules of Procedure and Evidence between May and September 2013.¹²



Fatou Bensouda
Prosecutor

Dated this 25th day of June 2015
At The Hague, The Netherlands

⁸ ICC-01/04-02/06-611, para.15.

⁹ ICC-01/04-02/06-617.

¹⁰ ICC-01/04-02/06-T-19-ENG, p.11, line 7 to p.12, line 3.

¹¹ ICC-01/04-02/06-611, para.15.

¹² DRC-OTP-0131-0153, DRC-OTP-0131-0045 and DRC-OTP-0131-0144 were disclosed on 27 May, 25 July and 2 September 2013, respectively.