

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 29 July 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. In accordance with Trial Chamber VI's ("Chamber") oral decision of 22 April 2015 ("Oral Decision"), its decision of 28 May 2015, as well as its "Decision on Prosecution requests to vary the time limit for disclosure", dated 22 July 2015, the Prosecution files an Updated List of Evidence, having added thirteen items to the list.

Procedural history

2. On 9 October 2014, the Chamber set 2 March 2015 as the final deadline for disclosure by the Prosecution and the filing of a final version of its List of Evidence.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 On 22 April 2015, the Chamber rendered an oral ruling on this 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" ("Oral Decision").⁴
5. On 1 May 2015, the Prosecution filed an Updated List of Evidence.⁵
6. On 18 May 2015, the Prosecution filed a request pursuant to regulation 35 to vary the time limit for disclosure of a recent interview of one witness ("First Request").⁶

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

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, ln.7 to p.12, ln.3.

⁵ ICC-01/04-02/06-587.

⁶ ICC-01/04-02/06-598-Red.

7. On 28 May 2015, the Chamber indicated 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)” (“28 May 2015 Directions”).⁷
8. On 29 May 2015, the Prosecution filed an Updated List of Evidence,⁸ implementing the Chamber’s 28 May 2015 Directions.
9. On 5 June 2015, the Prosecution filed a second request pursuant to regulation 35 to vary the time limit for disclosure of the interview of another witness (“Second Request”).⁹
10. On 26 June 2015, the Prosecution filed an Updated List of Evidence.¹⁰
11. On 22 July 2015, the Chamber issued its “Decision on Prosecution requests to vary the time limit for disclosure” (“22 July 2015 Decision”), authorising the addition of the two witnesses’ materials¹¹ to the Prosecution’s List of Evidence.¹² The Chamber held that the First Request and Second Request “to ‘vary the time limit for disclosure’ of the material [were] equivalent to seeking to rely upon the material at trial, which in turn [...], is equivalent to adding the material to the List of Evidence”, and that, in light of the Oral Decision, “the Prosecution was not required to seek prior authorisation” from the Chamber.¹³

⁷ ICC-01/04-02/06-611, para.15.

⁸ ICC-01/04-02/06-617.

⁹ ICC-01/04-02/06-629-Red.

¹⁰ ICC-01/04-02/06-672.

¹¹ See paras.6 and 9 above.

¹² ICC-01/04-02/06-740-Red.

¹³ ICC-01/04-02/06-740-Red, para.11.

Provision of an Updated List of Evidence

12. In accordance with the Oral Decision,¹⁴ the 28 May 2015 Directions,¹⁵ and the 22 July 2015 Decision,¹⁶ the Prosecution files an Updated List of Evidence (Annex A), having added thirteen items, namely the audio recordings and transcripts of the interviews of two witnesses, to the list.



Fatou Bensouda
Prosecutor

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

¹⁴ ICC-01/04-02/06-T-19-ENG, p.11, ln.7 to p.12, ln.3.

¹⁵ ICC-01/04-02/06-611, para.15.

¹⁶ ICC-01/04-02/06-740-Red.