



Original: English

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

Date: 28 August 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, *EX PARTE* – only available to the Prosecution and Defence,
Annex A

**Public redacted version of “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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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 incriminating evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Statute as well as material falling within rule 77 of the Rules of Procedure and Evidence (“the Rules”).

Disclosure of evidence

2. On 21 August 2015, the Prosecution disclosed a total of 82 items, including 23 items as incriminating evidence and 59 items under the provision of rule 77 of the Rules.
3. [REDACTED].¹
4. [REDACTED].
5. The Prosecution further disclosed corrected versions of seven previously disclosed items, namely (1) corrected versions of five transcripts of Radio Candip broadcasts collected by the Prosecution,² (2) one transcript of the interview of Witness P-0901 with corrections,³ and (3) one transcript of the testimony in *Lubanga* of Witness P-0931.⁴
6. The Prosecution re-disclosed as incriminating evidence four items previously disclosed under rule 77⁵ and disclosed two public that documents that were

¹ [REDACTED].

² The initial versions of these transcripts were disclosed on 1 May 2015.

³ The corrections are identified at DRC-OTP-2079-1857_01.

⁴ The Prosecution previously disclosed transcripts ICC-01/04-01/06-T-193 and ICC-01/04-01/06-T-194. However, there was an error in the registration of ICC-01/04-01/06-T-194, such that only 22 of the 86 pages were registered into Ringtail and disclosed; however, the entire transcript is publicly available on the Court’s website. The Prosecution re-registered the entire transcript and re-disclosed it to the Defence as DRC-OTP-2083-1056.

⁵ DRC-OTP-0107-0019, DRC-OTP-0137-0034 and DRC-OTP-0165-0896 were disclosed under rule 77 on 27 May 2013. DRC-OTP-2087-0025 is a public document that was disclosed under rule 77 on 24 July 2015.

shown to Witness P-0931 during his testimony in *Lubanga*.⁶ Lastly, the Prosecution disclosed a recently completed transcript of one Radio Candip broadcast.⁷

7. The Prosecution will add the above materials to its List of Evidence.
8. The Prosecution also disclosed 30 items further to Defence disclosure requests, namely (1) 21 items further to fourteen Defence requests for the disclosure of documents emanating from MONUC; and (2) nine photographs, further to the Defence's request for "any and all material in the possession of the Prosecution obtained from 'Radio Candip'".⁸
9. Finally, the Prosecution disclosed the final Kinyarwanda translations of the interview of Witness P-0901⁹ as well as advance copies of the draft Kinyarwanda translation of the interview of Witness P-0067.
10. Following its standard practice, the Prosecution transmitted these items to the Registry for uploading into eCourt which gives the Chamber, Parties and participants access to the materials.¹⁰
11. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

12. This communication is classified as "Confidential, *EX PARTE* – only available to the Prosecution and Defence" pursuant to regulation 23bis(2) of the Regulations of the Court, consistent with the classification of [REDACTED]¹¹ and related

⁶ DRC-OTP-2087-1820 and DRC-OTP-2087-1822.

⁷ DRC-OTP-2087-1664.

⁸ ICC-01/04-02/06-779. *See also* ICC-01/04-02/06-794, para.4(g) and fn.12.

⁹ The Prosecution provided the Defence with advance copies of the draft translation on 8 April 2015.

¹⁰ [REDACTED].

¹¹ [REDACTED].

filings. The Prosecution will file confidential redacted and public redacted versions of this filing.



Fatou Bensouda,
Prosecutor

Dated this 28th day of August 2015
At The Hague, The Netherlands