

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 16 September 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 procedure established by Trial Chamber VI (“Chamber”) in its oral decision of 22 April 2015 and its decision of 28 May 2015, the Prosecution files an Updated List of Evidence, having added 52 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 28 May 2015, the Chamber directed the Prosecution to notify the Defence in a clear manner of any document added to its List of Evidence, “such as by listing each additional document by its identifying number rather than integrating the new items into the original List of Evidence” (“Directions”).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-01/04-02/06-611, para.15.

7. On 29 May 2015, the Prosecution filed an Updated List of Evidence.⁷
8. On 26 June 2015, the Prosecution filed an Updated List of Evidence.⁸
9. On 29 July 2015, the Prosecution filed an Updated List of Evidence.⁹

Provision of an Updated List of Evidence

10. In accordance with the Oral Decision¹⁰ and the Directions,¹¹ the Prosecution files an Updated List of Evidence (Annex A), having added 52 items to the list.
11. These items include: (1) 4 documents that were previously disclosed under rule 77 and were recently re-disclosed as incriminating evidence;¹² (2) 27 items relevant to the witness interference allegations made by Prosecution witnesses;¹³ (3) 11 items related to the Radio Candip broadcasts disclosed on 2 March 2015;¹⁴ (4) a complete version of the transcript of P-0931's testimony in *Lubanga*¹⁵ as well as the French version of the transcripts of his testimony¹⁶ and

⁷ ICC-01/04-02/06-617.

⁸ ICC-01/04-02/06-672.

⁹ ICC-01/04-02/06-753.

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

¹¹ ICC-01/04-02/06-611, para.15.

¹² DRC-OTP-0107-0019, DRC-OTP-0137-0034 and DRC-OTP-0165-0896 were first disclosed under rule 77 on 27 May 2013. DRC-OTP-0089-0043 was first disclosed under rule 77 on 8 January 2014.

¹³ DRC-OTP-2068-0325, DRC-OTP-2069-0115, DRC-OTP-2079-0245, DRC-OTP-2079-0252, DRC-OTP-2079-0329, DRC-OTP-2079-1102, DRC-OTP-2079-1104, DRC-OTP-2079-1443, DRC-OTP-2079-2028, DRC-OTP-2082-2711, DRC-OTP-2082-2713, DRC-OTP-2082-2716, DRC-OTP-2082-2925, DRC-OTP-2083-0199, DRC-OTP-2083-0206, DRC-OTP-2083-0327, DRC-OTP-2083-0333, DRC-OTP-2084-0613, DRC-OTP-2086-0516, DRC-OTP-2086-0532, DRC-OTP-2086-0565, DRC-OTP-2086-0943, DRC-OTP-2087-0016, DRC-OTP-2087-1806, DRC-OTP-2087-1815, DRC-OTP-2087-1816 and DRC-OTP-2087-1836.

¹⁴ These items include a recently completed transcript of one of the Radio Candip broadcasts (DRC-OTP-2087-1664), corrected versions of five transcripts of Radio Candip broadcasts (DRC-OTP-2087-1694, DRC-OTP-2087-1708, DRC-OTP-2087-1719, DRC-OTP-2087-1741 and DRC-OTP-2087-1772) and translations of these transcripts (DRC-OTP-2087-1851, DRC-OTP-2087-1866, DRC-OTP-2087-1878, DRC-OTP-2087-1901 and DRC-OTP-2087-1933).

¹⁵ 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.

¹⁶ DRC-OTP-2088-0132 and DRC-OTP-2088-0223.

two items shown to this witness during said testimony;¹⁷ (5) a complete version of a previously disclosed instruction letter to an expert;¹⁸ (6) one transcript of the previously disclosed audio-recording of part of the interview of Witness P-0901;¹⁹ (7) one recent statement by Witness P-0805;²⁰ (8) one statement related to the death of Witness P-0022;²¹ and (9) one recently disclosed open source document.²²



Fatou Bensouda
Prosecutor

Dated this 16th day of September 2015
At The Hague, The Netherlands

¹⁷ DRC-OTP-2087-1820 and DRC-OTP-2087-1822 are two open source documents that were shown to Witness P-0931 during his testimony in *Lubanga*.

¹⁸ The letter of instruction contained in expert report DRC-OTP-2072-0211, at 0239, which was disclosed on 17 April 2015, was missing one page. The Prosecution has re-disclosed the entire letter as DRC-OTP-2087-1993.

¹⁹ DRC-OTP-2079-1992. The corresponding audio recording (DRC-OTP-2077-0860) was disclosed on 26 March 2015.

²⁰ DRC-OTP-2087-0054.

²¹ DRC-OTP-2087-1973.

²² DRC-OTP-2087-0025.