

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 17 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 Confidential Annex A**

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 Rome Statute (“the Statute”), evidence pursuant to article 67(2) 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 10 and 11 September 2015, the Prosecution disclosed a total of 38 items, including 30 items as incriminating evidence, 4 items pursuant to article 67(2) of the Statute and 4 items under the provision of rule 77 of the Rules.
3. These materials included 11 items that were already in the Defence’s possession, namely (1) six investigation notes and one interview transcript related to allegations of witness interference,¹ (2) the transcript of a part of P-0901’s interview of which the audio recording had been disclosed on 26 March 2015,² (3) two unredacted versions of a previously disclosed report on the death of P-0022,³ and (4) one original version of a document that was previously disclosed under rule 77.⁴
4. The Prosecution further disclosed new documents, including: (1) a recent statement related to the death of Witness P-0022,⁵ (2) seven investigation notes

¹ DRC-OTP-2079-1102, DRC-OTP-2083-0206, DRC-OTP-2086-0565, DRC-OTP-2079-1104, DRC-OTP-2082-2711, DRC-OTP-2082-2713 and DRC-OTP-2083-0333 were provided to the Defence on 26 June 2015, as annexes to the confidential redacted version of Prosecution filing number ICC-01/04-02/06-658: ICC-01/04-02/06-658-Conf-Anx6-Red, ICC-01/04-02/06-658-Conf-Anx2-Red, ICC-01/04-02/06-658-Conf-Anx5-Red, ICC-01/04-02/06-658-Conf-Anx8, ICC-01/04-02/06-658-Conf-Anx10-Red, ICC-01/04-02/06-658-Conf-Anx1-Red and ICC-01/04-02/06-658-Conf-Anx11-Red.

² The corresponding audio recording (DRC-OTP-2077-0860) was disclosed on 26 March 2015. An advance copy of the transcript (DRC-OTP-2079-1992) was also provided to the Defence on 4 September 2015.

³ This document (DRC-OTP-0152-0111) was first disclosed on 7 October 2013. An advance copy of the unredacted version of the document was disclosed on 4 September 2015. A copy of this document (DRC-OTP-2078-2526) was also disclosed on 30 January 2015.

⁴ DRC-OTP-0089-0043, the original version of the document, was disclosed under rule 77 on 10 January 2014. A copy of the document (DRC-OTP-0136-0173) was disclosed as incriminating evidence on 11 July 2013.

⁵ DRC-OTP-2087-1836.

and five statements related to allegations of witness interference,⁶ (3) five translations of the transcripts of Radio Candip broadcasts disclosed on 2 March 2015,⁷ (4) a witness preparation disclosure note for Witness P-0805,⁸ (5) and a complete version of the instruction letter contained in an expert report.⁹

5. 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.
6. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

7. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the annex to this document is classified as confidential because it references material that was disclosed confidentially.



Fatou Bensouda,
Prosecutor

Dated this 17th day of September 2015
At The Hague, The Netherlands

⁶ DRC-OTP-2079-0245, DRC-OTP-2079-0252, DRC-OTP-2079-0329, DRC-OTP-2079-1443, DRC-OTP-2079-2028, DRC-OTP-2082-2716, DRC-OTP-2082-2925, DRC-OTP-2083-0327, DRC-OTP-2086-0516, DRC-OTP-2086-0943, DRC-OTP-2087-0016 and DRC-OTP-2087-1836. Advance copies of six of the investigation notes (DRC-OTP-2079-1443, DRC-OTP-2082-2716, DRC-OTP-2083-0327, DRC-OTP-2086-0516, DRC-OTP-2086-0943 and DRC-OTP-2087-0016) were provided to the Defence on 6 September 2015.

⁷ DRC-OTP-2087-1851, DRC-OTP-2087-1866, DRC-OTP-2087-1878, DRC-OTP-2087-1901 and DRC-OTP-2087-1933.

⁸ DRC-OTP-2087-1989.

⁹ DRC-OTP-2072-0239.