

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 29 October 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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Legal Representatives of Victims

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

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”), and material falling within rule 77 of the Rules of Procedure and Evidence (“the Rules”).

Disclosure of evidence

2. On 26 October 2015, the Prosecution disclosed a total of 169 items, including 11 items as incriminating evidence and 158 items under the provision of rule 77 of the Rules.
3. These materials included (1) one document mentioning Witness P-0768,¹ (2) two lesser redacted versions of transcripts of Witness P-0055’s substantive interview,² (3) three lesser redacted versions of documents related to Witness P-0055,³ (4) eight documents related to Witness P-0055,⁴ (5) the witness preparation session log and disclosure notes for Witness P-0039,⁵ (6) handwritten notes taken by Witness P-0768 during his witness preparation session.⁶
4. The Prosecution further disclosed 153 documents emanating from MONUC, following several Defence disclosure requests to this effect.

¹ An advance copy of this document (DRC-OTP-0193-0158) was provided to the Defence on 20 October 2015.

² DRC-OTP-2062-0858 and DRC-OTP-2062-0904 are transcriptions of an interview conducted with P-0055. These transcripts were first disclosed to the Defence on 10 January 2014 and re-disclosed on 30 January 2015 with converted redactions. The Defence requested the lifting of certain redactions contained in these two statements on 13 October 2015. The Prosecution provided the Defence with advance copies of lesser redacted transcripts on 19 October 2015.

³ DRC-OTP-2067-2068, DRC-OTP-2072-0037 and DRC-OTP-2068-0125 were first provided to the Defence by way of the Confidential Redacted version of Prosecution filing ICC-01/04-02/06-349. The Prosecution provided the Defence with advance copies of lesser redacted versions of these documents on 19 October 2015.

⁴ Advance copies of these documents were provided to the Defence on 19 October 2015 (DRC-OTP-2072-0039, DRC-OTP-2074-0928, DRC-OTP-2074-1023, DRC-OTP-2086-0508 and DRC-OTP-2087-0063) and 22 October 2015 (DRC-OTP-2089-0038, DRC-OTP-2089-0043 and DRC-OTP-2089-0045).

⁵ An advance copy of this document (DRC-OTP-2089-0053) was provided to the Defence on 20 October 2015.

⁶ An advance copy of this document (DRC-OTP-2089-0012) was provided to the Defence on 14 October 2015.

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 29th day of October 2015
At The Hague, The Netherlands