

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 9 November 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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Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
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Legal Representatives of Victims

Ms Sarah Pellet
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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 4 and 6 November 2015, the Prosecution disclosed a total of 11 items, including 3 items as incriminating evidence and 8 items under the provision of rule 77 of the Rules.
3. These materials included (1) one excerpt with subtitles of a video disclosed on 27 May 2013, which the Prosecution intends to use during the testimony of Witness P-0010, (2) lesser redacted versions of two transcripts of Witness P-0010’s testimony in *Lubanga*, (3) the witness preparation session log and disclosure notes for Witnesses P-0886, P-0055, P-0106 and P-0010,¹ (4) two investigation notes related to Witnesses P-0300 and P-0121, (5) a redacted version of a document emanating from the OPCV and related to Witness P-0010,² and (6) one document related to Witness P-0067.
4. 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.

¹ Advance copies of these documents were provided to the Defence on 21, 27, 30 October and 4 November 2015.

² DRC-OTP-2089-0114 or DRC-PCV-0001-0007. Following the “Addendum to “Prosecution’s further observations on the ‘Order on Defence access to confidential materials in the Lubanga case’ issued by Trial Chamber VI, ICC-01/04-02/06-806”, 12 October 2015, ICC-01/04-02/06-898”, whereby the Prosecution removed this item from the list of confidential exhibits admitted into evidence in the *Lubanga* case to which the Defence should not be given access, because it relates to P-0010, who is a Prosecution witness in the case, the Prosecution provided the Defence with an advance copy of the document on 5 November 2015 and formally disclosed it on 6 November 2015.

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

Confidentiality

6. 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 9th day of November 2015
At The Hague, The Netherlands