

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 14 December 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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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 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 4 and 11 December 2015, the Prosecution disclosed a total of 193 items, including 8 items as incriminating evidence, 1 item pursuant to article 67(2) of the Statute, and 184 items under the provision of rule 77 of the Rules.
3. These materials included (1) nine investigation notes related to Witnesses P-0017, P-0105, P-0121 and P-0790, (2) one statement and three transcripts of an interview of Witness P-0038, and (3) 129 documents emanating from MONUC, following several Defence disclosure requests to this effect.
4. The Prosecution also disclosed lesser redacted versions of (1) two items related to Witness P-0290,¹ (2) five items related to Witness P-0038,² and (3) one item related to Witness P-0017.³
5. Further, the Prosecution formally disclosed seven documents⁴ previously provided to the Defence by way of the annexes to the "Prosecution's request for orders in response to Defence contacts with Prosecution and Dual Status Witnesses".⁵

¹ DRC-OTP-2058-1340 and DRC-OTP-0172-0305.

² DRC-OTP-2086-0269, DRC-OTP-2086-0428, DRC-OTP-0233-0032, DRC-OTP-2086-0188 and DRC-OTP-2086-0346.

³ DRC-OTP-2078-2710.

⁴ DRC-OTP-2088-0309, DRC-OTP-2088-0311, DRC-OTP-2088-0313, DRC-OTP-2088-0362, DRC-OTP-2088-0365, DRC-OTP-2088-0384 and DRC-OTP-2088-0418.

⁵ ICC-01/04-02/06-866-Red.

6. Lastly, the Prosecution disclosed the final versions of the translations into Kinyarwanda of the interview transcripts of Witness P-0017.⁶
7. 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.
8. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

9. 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 14th day of December 2015
At The Hague, The Netherlands

⁶ Draft versions of these translations were provided to the Defence on 2 March 2015.