

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 18 January 2016

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**

**Public redacted version of "Prosecution's Communication of the Disclosure of
Evidence", 15 January 2016, ICC-01/04-02/06-1085-Conf**

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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**Unrepresented Applicants for
Participation/Reparation**

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Amicus Curiae

REGISTRY

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

Disclosure of evidence

2. On 8, 12, 14 and 15 January 2016, the Prosecution disclosed a total of 58 items, including 52 items as incriminating evidence and 6 items under the provision of rule 77 of the Rules.
3. These materials included:
 - (1) Four photographs of envelopes containing DNA samples collected by the Prosecution;¹
 - (2) 32 photographs related to the exhumations conducted by the Prosecution;²
 - (3) The long-form victim application of Witness P-0790;
 - (4) 15 annotated maps or handwritten notes made by Witnesses [REDACTED] during their testimony in the *Lubanga* case;
 - (5) One investigation note related to Witness P-0800;
 - (6) Three expense reports for Witnesses P-0055, P-0017 and P-0790;³
 - (7) One investigation note related to Witness P-0055;⁴
 - (8) The transcript of the Defence’s meeting with Witness P-0790.

¹ These photographs are referred to in expert report DRC-OTP-2084-0002 and were disclosed for completeness.

² These are duplicates of photographs already disclosed to the Defence on 30 January 2015. It recently came to the Prosecution’s attention that these duplicates had been inadvertently referred to in two expert reports (DRC-OTP-2073-0076 and DRC-OTP-2075-0312) instead of the disclosed versions of the photographs.

³ DRC-OTP-2089-1374, DRC-OTP-2089-1377 and DRC-OTP-2090-0129. Advance copies of these documents were provided to the Defence on 22 October 2015, 22 December 2015 and 8 January 2016, respectively.

⁴ Further to a Defence request dated 12 January 2016, the Prosecution re-discloses an investigation note, which was previously disclosed as DRC-OTP-2089-1208, on 5 January 2016, having made certain amendments and lifted one redaction.

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.
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, this filing is classified as confidential because it provides identifying information about witnesses. The Prosecution will file a public redacted version of this filing. The annex to this document is classified as confidential because it references material that was disclosed confidentially.



Fatou Bensouda,
Prosecutor

Dated this 18th day of January 2016
At The Hague, The Netherlands