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No.: ICC-01/04-02/06  
Date: 01 February 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**

**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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**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**

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

## **Disclosure of evidence**

2. On 27, 28 and 29 January 2016, the Prosecution disclosed a total of eight items as incriminating evidence or under the provision of rule 77 of the Rules.
3. These materials included (1) the witness preparation log and note for Witness P-0017 together with an addendum,<sup>1</sup> (2) one investigation note related to Witness P-0017,<sup>2</sup> (3) one document, an investigation note and a table of expenses for Witness P-0038,<sup>3</sup> (4) one open source video and (5) a glossary of terms from previously disclosed items DRC-OTP-0017-0003 and DRC-OTP-0017-0033. The Prosecution intends to use this last item during the examination in chief of Witness P-0290 and will add it to its List of Evidence.
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.

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<sup>1</sup> Advance copies of these two documents were provided to the Defence on 23 and 25 January 2016 respectively. They were formally disclosed on 27 January 2016.

<sup>2</sup> This investigation note related to Witness P-0017 was provided to the Defence on 26 January 2016 by way of Annex A to the Trial Chamber’s “Further decision on Defence request for disclosure orders in relation to Witness P-0017” (ICC-01/04-02/06-1108-Conf). It was formally disclosed on 28 January 2016 with the redactions imposed by the Trial Chamber.

<sup>3</sup> Advance copies of the investigation note and the table of expenses were provided to the Defence on 27 January 2016. They were formally disclosed on 29 January 2016.

### 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.



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Fatou Bensouda,  
Prosecutor

Dated this 1<sup>st</sup> day of February 2016  
At The Hague, The Netherlands