

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **21 March 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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Participation/Reparation**

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

Disclosure of evidence

2. On 11 March 2016, the Prosecution disclosed a total of 47 items, including 36 items as incriminating evidence and 11 items under the provision of rule 77.
3. The Prosecution formally disclosed 4 documents regarding the death of Witnesses P-0041 and P-0103,¹ which were previously appended as annexes to Prosecution filings.²
4. The Prosecution further re-disclosed 8 documents previously disclosed under the provision of rule 77, having re-classified them as incriminating evidence,³ and re-disclosed another 8 documents, having lifted certain redactions previously applied to them.⁴

¹ DRC-OTP-2085-0348, DRC-OTP-2085-0350, DRC-OTP-2090-0435 and DRC-OTP-2090-0437

² These documents were appended to the “Prosecution’s application under rule 68(2)(c) to admit the statements and related documents of deceased witnesses – P-22, P-41 and P-103” (ICC-01/04-02/06-659-Conf-AnxB1 and ICC-01/04-02/06-659-Conf-AnxB2), filed on 18 June 2015, and the “Prosecution submission of the death certificate of Witness P-0103” (ICC-01/04-02/06-1162-Conf-AnxA and ICC-01/04-02/06-1162-Conf-AnxB), filed on 9 February 2016.

³ DRC-D03-0001-0355, DRC-OTP-0033-0015, DRC-OTP-0033-0028, DRC-OTP-0033-0033, DRC-OTP-0033-0035, DRC-OTP-0033-0038, DRC-OTP-0033-0051 and DRC-OTP-0033-0055.

⁴ These documents are (1) Witness P-0815’s statement (DRC-OTP-2062-2260) and an investigation note related to this witness (DRC-OTP-2078-2682); (2) Witness P-0912’s statement (DRC-OTP-2078-2863); (3) 2 documents related to Witness P-0963 (DRC-OTP-0231-0257 and DRC-OTP-0234-0322); and (4) Witness P-0887’s statement (DRC-OTP-2076-0299) as well this witness’s victim participation application forms (DRC-OTP-2078-2283 and DRC-OTP-2090-0089).

5. Lastly, the Prosecution disclosed 27 items that had not previously been disclosed. These items include: (1) 13 investigation notes and 3 documents related to Witness P-0815;⁵ (2) 3 investigation notes and 2 documents related to Witness P-0912;⁶ (3) a statement from and an investigation note related to Witness P-0963;⁷ (4) an investigation note and a document related to Witness P-0907;⁸ (5) a report on the collection of ante-mortem samples in relation to the exhumations conducted by the Prosecution in Kobu-Wadza, Tchudja and Saio;⁹ and (6) an interview transcript containing information falling under rule 77.¹⁰
6. Following its standard practice, the Prosecution transmitted this item to the Registry for uploading into e-court, which gives the Chamber, Parties and participants access to the materials.
7. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

⁵ DRC-OTP-2067-1758, DRC-OTP-2067-1761, DRC-OTP-2067-1763, DRC-OTP-2067-2377, DRC-OTP-2067-2379, DRC-OTP-2070-0041, DRC-OTP-2070-0045, DRC-OTP-2070-0048, DRC-OTP-2070-0052, DRC-OTP-2070-0175, DRC-OTP-2091-0174, DRC-OTP-2091-0177, DRC-OTP-2091-0179, DRC-OTP-2080-0385, DRC-OTP-2080-0393 and DRC-OTP-2080-0401.

⁶ DRC-OTP-2091-0181, DRC-OTP-2091-0190, DRC-OTP-2091-0193, DRC-OTP-2078-2877 and DRC-OTP-2078-2878.

⁷ DRC-OTP-2091-0116 and DRC-OTP-2091-0166.

⁸ DRC-OTP-2080-0287 and DRC-OTP-2088-0579. The Prosecution notes that the information contained in document DRC-OTP-2080-0287 is a summary of information contained in a other document already disclosed to the Defence, namely DRC-OTP-2082-2961. The Prosecution disclosed this summary because it is referred to in the newly disclosed investigation note related to this witness (DRC-OTP-2088-0579).

⁹ DRC-OTP-2088-0579.

¹⁰ DRC-OTP-0173-0616.

Confidentiality

8. 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 21st day of March 2016
At The Hague, The Netherlands