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Date: 9 June 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 Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

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REGISTRY

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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. Between 1 and 3 June 2016, the Prosecution disclosed a total of 36 items, including eleven items as incriminating evidence, one item pursuant to article 67(2) of the Statute and 24 items under the provision of rule 77.
3. The Prosecution formally disclosed an investigation note related to Witness P-0018¹, the witness preparation session log and disclosure log related to Witness P-0190, an investigation note and another document related to Witness P-0190². These documents were previously provided to the Defence by email on 25 and 31 May 2016 and on 1 June 2016.
4. The Prosecution re-disclosed the lesser redacted versions of Witness P-0850's statement³ and Witness P-0899's screening note⁴ and re-disclosed the sketch drawn by Witness P-0850, having lifted all redactions previously applied to it.⁵

¹ DRC-OTP-2093-0002.

² DRC-OTP-2093-0016, DRC-OTP-2093-0005 and DRC-OTP-0024-0017.

³ DRC-OTP-2067-1825.

⁴ DRC-OTP-2078-2323.

⁵ DRC-OTP-2067-1836.

5. In addition, the Prosecution re-disclosed an investigation note related to Witness P-0018 previously disclosed under the provision of rule 77, having re-classified it as incriminating evidence.⁶
6. Lastly, the Prosecution disclosed 28 items that had not previously been disclosed. These items include: (1) four photographs, a screening note, a medical report, an investigation report and another document related to Witness P-0018;⁷ (2) an investigation note related to Witness P-0020;⁸ (3) four investigation notes related to Witness P-0113;⁹ (4) four transcribed statements related to Witness P-0190;¹⁰ (5) an investigation note related to Witness P-0850;¹¹ (6) two investigation notes and a victim application related to Witness P-0877;¹² (7) an investigation note related to Witness P-0888;¹³ and (8) six other documents.¹⁴
7. Following its standard practice, the Prosecution transmitted these items to the Registry for uploading into e-court, 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.

⁶ DRC-OTP-2059-0094.

⁷ DRC-OTP-2052-0516, DRC-OTP-2059-0172, DRC-OTP-2059-0173, DRC-OTP-2059-0174, DRC-OTP-2059-0175, DRC-OTP-2059-0231, DRC-OTP-2059-0094 and DRC-OTP-2089-0409.

⁸ DRC-OTP-2090-0584.

⁹ DRC-OTP-2053-0014, DRC-OTP-2091-0509, DRC-OTP-2093-0007 and DRC-OTP-2093-0026.

¹⁰ DRC-OTP-2090-0598, DRC-OTP-2090-0623, DRC-OTP-2090-0650 and DRC-OTP-2090-0678.

¹¹ DRC-OTP-2093-0024.

¹² DRC-OTP-2090-0595, DRC-OTP-2092-0232 and DRC-OTP-2092-0288.

¹³ DRC-OTP-2092-0311.

¹⁴ DRC-OTP-2090-0701, DRC-OTP-0062-0321, DRC-OTP-2054-8292, DRC-OTP-2067-1838, DRC-OTP-2067-2071 and DRC-OTP-2082-1539.

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 9th day of June 2016
At The Hague, The Netherlands