

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 July 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:

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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 16, 22 and 28 June 2016 and on 1, 12 and 13 July 2016, the Prosecution disclosed a total of 71 items, including 35 items as incriminating evidence and 36 items under the provision of rule 77.
3. The Prosecution re-disclosed the lesser redacted versions of 26 documents, having lifted certain redactions previously applied. These include: (1) the statements of Witness P-0019¹, Witness P-0113², Witness P-0018³, Witness P-0769⁴ and Witness P-0115⁵; (2) investigation notes regarding Witness P-0938,⁶ Witness P-0113,⁷ Witness P-0018⁸ and Witness P-0894;⁹ (3) the victim application of Witness P-0877;¹⁰ (4) two clinical assessments relating to Witness P-0938;¹¹ (5) a medical

¹ DRC-OTP-0108-0142 (this statement was re-disclosed on 28 June 2016 and on 12 July 2016); DRC-OTP-0171-1511; DRC-OTP-2054-0060; DRC-OTP-2055-0386 and DRC-OTP-2058-0607. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

² DRC-OTP-2052-0440 (this statement was re-disclosed on 22 June 2016 and on 12 July 2016), DRC-OTP-2058-1074 (this statement was re-disclosed on 22 June 2016 and on 12 July 2016), DRC-OTP-0096-0036 (this statement was re-disclosed on 22 June 2016 and on 12 July 2016) and DRC-OTP-2069-2078.

³ DRC-OTP-0096-0116 and DRC-OTP-2056-0679. The Prosecution provided a courtesy copy of the first item by email to the Defence prior to formal disclosure.

⁴ DRC-OTP-2079-0245, DRC-OTP-2079-0252, DRC-OTP-2079-2028 and DRC-OTP-2086-0540.

⁵ DRC-OTP-0070-0340. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

⁶ DRC-OTP-2093-0122. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

⁷ DRC-OTP-2091-0509. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

⁸ DRC-OTP-2093-0052. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

⁹ DRC-OTP-2093-0142. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

¹⁰ DRC-OTP-2092-0288. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

certificate regarding Witness P-0019;¹² (6) and a consent form regarding Witness P-0019.¹³

4. The Prosecution further re-disclosed two medical and forensic reports regarding Witness P-0019,¹⁴ and one non-ICC statement regarding Witness P-0113,¹⁵ having lifted all redactions previously applied.
5. Lastly, the Prosecution disclosed 42 items that had not previously been disclosed. These items include: (1) investigation notes regarding Witness P-0018,¹⁶ Witness P-0113,¹⁷ Witness P-0769,¹⁸ Witness P-0938,¹⁹ Witness P-0760,²⁰ Witness P-0315²¹ and Witness P-0019;²² (2) one clinical assessment regarding Witness P-0912;²³ (3) the copy of a school record;²⁴ (4) the copy of the passport of Witness P-0888;²⁵ (5) the transcript of the recording of the Defence meeting with Witness P-0113;²⁶ (6) two reports and a judgement relating to Witness P-0938;²⁷ (7) eleven witness

¹¹ DRC-OTP-2059-0069 and DRC-OTP-2059-0080.

¹² DRC-OTP-2058-0988.

¹³ DRC-OTP-0198-0074.

¹⁴ DRC-OTP-0104-0158 and DRC-OTP-0198-0068.

¹⁵ DRC-OTP-0096-0049. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

¹⁶ DRC-OTP-2078-2640, DRC-OTP-2089-0412 and DRC-OTP-2093-0014.

¹⁷ DRC-OTP-2093-0201 and DRC-OTP-2093-0200.

¹⁸ DRC-OTP-2055-0274, DRC-OTP-2093-0132; DRC-OTP-2079-0401 and DRC-OTP-2090-0331. The Prosecution provided courtesy copies of the last three items by email to the Defence prior to formal disclosure.

¹⁹ DRC-OTP-2093-0213, DRC-OTP-2093-0214, DRC-OTP-2093-0216, DRC-OTP-2093-0218 and DRC-OTP-2093-0220. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²⁰ DRC-OTP-2093-0345. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

²¹ DRC-OTP-2093-0204 and DRC-OTP-2094-0023. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²² DRC-OTP-2093-0343 and DRC-OTP-2094-0289. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²³ DRC-OTP-2091-0373.

²⁴ DRC-OTP-2094-0034. The Prosecution provided courtesy a copy of this item by email to the Defence prior to formal disclosure.

²⁵ DRC-OTP-2094-0031. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²⁶ DRC-OTP-2094-0332. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²⁷ DRC-OTP-2093-0226, DRC-OTP-2093-0304 and DRC-OTP-2093-0297. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

preparation session log and disclosure notes;²⁸ (8) the victim application of Witness P-0020;²⁹ (9) and four lists relating to Intermediary P-0154.³⁰

6. Consistent with 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.
7. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

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 22nd day of July 2016
At The Hague, The Netherlands

²⁸ P-0046: DRC-OTP-2093-0114; P-0894: DRC-OTP-2093-0135; P-0877: DRC-OTP-2093-0207; P-0888: DRC-OTP-2094-0002; P-0315: DRC-OTP-2094-0012; P-0018: DRC-OTP-2093-0330; P-0019: DRC-OTP-2094-0323; P-0113: DRC-OTP-2094-0395; P-0769: DRC-OTP-2094-0401; P-0850: DRC-OTP-2094-0159; P-0938: DRC-OTP-2094-0293. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.

²⁹ DRC-OTP-2093-0031. The Prosecution provided a courtesy copy of this item by email to the Defence prior to formal disclosure.

³⁰ DRC-OTP-0198-0072, DRC-OTP-2092-0207, DRC-OTP-2092-0213 and DRC-OTP-2092-0215. The Prosecution provided courtesy copies of these items by email to the Defence prior to formal disclosure.