



Original: English

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

Date: 29 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:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

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

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 ("Statute") as well as material falling within the scope of rule 77 of the Rules of Procedure and Evidence ("Rules") and courtesy disclosure for materials that are in neither of these categories.¹

Disclosure of evidence

2. On 28 July 2016, the Prosecution disclosed a total of 35 items, including 17 items as incriminating evidence, eight items under the provision of rule 77 and ten items as a courtesy.
3. The Prosecution re-disclosed 18 documents sourced by Intermediary P-0154, having lifted all redactions to the name of the intermediary.²
4. The Prosecution further re-disclosed the lesser redacted version of three items: (i) a statement regarding Witness P-0113;³ and (ii) a statement and an annex regarding Witness P-0027.⁴
5. Furthermore, the Prosecution disclosed four items that had not previously been disclosed. These items include: (i) one report relating to Intermediary P-0154;⁵ (ii) an investigation note regarding Witness P-0113;⁶ (iii) the DSM-5 checklist and letter received from Witness P-0938.⁷

¹ The courtesy disclosure of materials includes items that do not fall within articles 64(3)(c), 67(1)(a) and (b) and 67(2) of the Statute or rule 77 of the Rules.

² Annex A, page 2, items number 1-7, page 3, items number 11-13, page 4, items number 1-5 and page 5, items number 6-8.

³ Annex A, page 3, item number 8.

⁴ Annex A, page 3, items number 9-10.

⁵ Annex A, page 3, item number 14. An advance courtesy copy of this item was provided to the Defence by email on 12 July 2016.

6. Lastly, the Prosecution disclosed ten items as a courtesy. These include: (i) four reports and one investigation note relating to Intermediary P-0154;⁸ (ii) two investigation notes and one screening note regarding Witness P-0797;⁹ and (iii) two investigation notes regarding Witness P-0769.¹⁰
7. 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.
8. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

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 29th day of July 2016
At The Hague, The Netherlands

⁶ Annex A, page 3, item number 15. An advance courtesy copy of this item was provided to the Defence by email on 22 July.

⁷ Annex A, page 5, items number 9-10. An advance courtesy copy of these items was provided to the Defence by email on 6 July 2016.

⁸ Annex A, page 6, item number 1, page 7, items number 7-10. An advance courtesy copy of the first four items was provided to the Defence by email on 7 July 2016. An advance courtesy copy of the last item was provided to the Defence by email on 6 July 2016.

⁹ Annex A, page 6, items number 2, 4 and 5. An advance courtesy copy of these items was provided to the Defence by email on 25 June 2016.

¹⁰ Annex A, page 6, items number 3 and 6. An advance courtesy copy of these items was provided to the Defence by email on 7 July 2016.