



Original: English

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

Date: 30 August 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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Mr Stéphane Bourgon
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Legal Representatives of Victims

Ms Sarah Pellet
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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 25 August 2016, the Prosecution disclosed a total of 107 items, including 12 items as incriminating evidence, 4 items under the provision of rule 77 and 91 items as a courtesy.
3. The Prosecution re-disclosed two statements of Witness P-0127 having lifted certain redactions.
4. The Prosecution disclosed, as incriminating evidence, two documents related to Witness P-0014, three investigation notes related to the exhumations conducted by the Prosecution as well as an annex to one of these notes, and three informed consent forms.² The Prosecution also re-disclosed as incriminating evidence a document related to Witness P-0014 that had been previously disclosed under rule 77. The Prosecution will add these items to its list of evidence.
5. The Prosecution further disclosed, under rule 77, two documents related to Witness P-0014 and two sets of notes taken by Witness P-0420.³ Lastly, the

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 Advance copies of the investigation notes and the informed consent forms were provided to the Defence on 24 August 2016.

³ Advance copies of these sets of notes were provided to the Defence on 22 August 2016.

Prosecution provided, as a courtesy, 40 documents related to Witness P-0014, a list of candidates at the 2011 national elections in the Democratic Republic of Congo, and 50 documents related to the exhumations conducted by the Prosecution.⁴

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 23bis (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 30th day of August 2016
At The Hague, The Netherlands

⁴ Advance copies of the 50 documents related to the exhumations were provided to the Defence on 24 August 2016.