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

Date: 5 September 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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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"), evidence pursuant to article 67(2) of the 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 1 September 2016, the Prosecution disclosed a total of 35 items, including 20 items as incriminating evidence, 1 item pursuant to article 67(2) of the Statute, 13 items under the provision of rule 77 and 1 item as a courtesy.
3. The Prosecution re-disclosed, having lifted certain redactions, (1) three statements and two investigation notes related to Witness P-0100, (2) the screening note of Witness P-0300, (3) the statement of Witness P-0918, (4) the statement of Witness P-0668 (5) a report prepared by Witness P-0934, and (6) the statement of Witness P-0044.
4. The Prosecution disclosed, as incriminating evidence, (1) two documents related to Witness P-0365, (2) an investigation note, a statement and a death certificate related to Witness P-0027, (3) an investigation note related to Witness P-0100, (4) a recent statement by Witness P-0898 with its annex, (5) a recent statement by Witness P-0918, and (6) one document and two photographs related to the exhumations conducted by the Prosecution. The Prosecution will add these items to its list of evidence.

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.

5. The Prosecution further disclosed, pursuant to article 67(2), one school record related to Witness P-0888 and, under rule 77, (1) an investigation note related to Witness P-0127, (2) two school records related to Witness P-0888, (3) three contracts signed by Witness P-0934 and P-0939, (4) four investigation notes related to expenses made to expert witnesses, and (5) one investigation note related to Witness P-0100. Lastly, the Prosecution provided, as a courtesy, one investigation note related to Witness P-0912.
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 5th day of September 2016
At The Hague, The Netherlands