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No.: ICC-01/04-02/06
Date: 26 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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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

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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”), evidence pursuant to article 67(2) of the Statute and disclosure of materials pursuant to a Defence request.

Disclosure of evidence

2. On 22 and 23 September 2016, the Prosecution disclosed a total of 32 items, including 26 items as incriminating, 1 item pursuant to article 67(2) of the Statute, and 5 items pursuant to a Defence request.
3. The Prosecution lifted certain redactions and re-disclosed (1) an investigation note related to Witness P-0105, (2) the statements of Witnesses P-0127 and P-0245, and (3) a transcript of Witness’s P-0014’s testimony in the *Lubanga* case. The Prosecution also disclosed, as incriminating evidence, (1) three documents and one investigation note related to Witness P-0883, (2) fifteen documents related to P-0154, (3) the witness preparation session log and disclosure notes for Witnesses P-0014 and P-0127, and (4) a sketch provided by Witness P-0127 during his witness preparation session.
4. Lastly, following a recent Defence request, the Prosecution obtained five videos from Witness P-0030 and disclosed them to the Defence.
5. 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.

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

Confidentiality

7. 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 26th day of September 2016
At The Hague, The Netherlands