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No.: ICC-01/04-02/06
Date: 2 November 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**

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States Representatives

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Counsel Support Section

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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 ("Statute"), evidence pursuant to article 67(2) of the Statute, material falling within the scope of rule 77 of the Rules of Procedure and Evidence ("Rules") and disclosure of materials that are in none of these categories.¹

Disclosure of evidence

2. On 18 October and 1 November 2016, the Prosecution disclosed a total of 163 items, including 68 items as incriminating evidence, 1 item pursuant to article 67(2) of the Statute, 29 items under the provision of rule 77, and 82 items that did not fall under these disclosure categories.
3. The Prosecution re-disclosed, having lifted certain redactions: (1) the statements of Witnesses P-0002, P-0014, P-0031, P-0101, P-0120, P-0121, P-0166, P-0863, P-0875, P-0883, P-0918, (2) the screening notes of P-0024, P-0758, P-0863, P-0875 and P-0883, (3) the victim participation forms for Witnesses P-0010, P-0758, P-0863 and P-0875, (4) an investigation note related to Witness P-0758, (5) seven documents related to Witnesses P-0004, P-0116 and P-0875, and (6) one UPC/FPLC document.
4. The Prosecution disclosed as incriminating evidence: (1) a recent statement by Witness P-0883, (2) 17 investigation notes related to Witnesses P-0024, P-0121, P-0300, P-0551, P-0758, P-0761, P-0773, P-0875, P-0898, P-0908 and P-0918, (3) two statements by Witness P-0551 with nine annexes, (4) two documents related to P-0551, (5) two annexes to P-0971's statement, (6) the transcript of a

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.

recent interview of Witness P-0898, (7) two electoral cards and (8) four school records and an associated note. These documents will be added to the Prosecution's list of evidence.

5. The Prosecution disclosed one investigation note related to Witness P-0875 as potentially exonerating evidence.
6. The Prosecution disclosed under rule 77: (1) four investigation notes related to Witnesses P-0121, P-0758, P-0773 and P-0875, (2) the witness preparation session log and disclosure notes for Witnesses P-0030, P-0301, P-0365 and P-0912, (3) three statements by Witnesses P-0791, P-0792 and P-0794, (4) one annex to P-0792's statement, and (5) eight school records.
7. Lastly, the Prosecution disclosed as a courtesy: (1) 79 photographs provided by Witness P-0002 and (2) three documents related to Witness P-0012.
8. 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.
9. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

10. 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 2nd day of November 2016
At The Hague, The Netherlands