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No.: ICC-01/04-02/06
Date: 7 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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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
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States Representatives

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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"), 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 3 and 4 November 2016, the Prosecution disclosed a total of 72 items, including 9 items as incriminating evidence, 2 items under the provision of rule 77, and 61 items that did not fall under these disclosure categories.
3. The Prosecution re-disclosed, having lifted certain redactions, the transcripts of the testimony of Witness P-0031 in the *Lubanga* case
4. The Prosecution disclosed as incriminating evidence: (1) three documents related to Witness P-0012, (2) one document related to Witness P-0883, and (3) a book. These documents will be added to the Prosecution's list of evidence.
5. The Prosecution disclosed under rule 77 two documents provided by Witness P-0012.
6. Lastly, the Prosecution disclosed as a courtesy: (1) 52 documents provided by Witness P-0012, six videos provided by Witness P-0002, (3) two documents related to Witness P-0012 and (4) one investigation note related to Witness P-0761.

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.

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 7th day of November 2016
At The Hague, The Netherlands