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No.: ICC-01/04-02/06
Date: 17 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**

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

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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") and material falling within the scope of rule 77 of the Rules of Procedure and Evidence ("Rules").

Disclosure of evidence

2. On 11 November 2016, the Prosecution disclosed a total of 32 items, including 11 items as incriminating evidence and 21 items under the provision of rule 77.
3. The Prosecution re-disclosed, having lifted certain redactions, (1) the transcripts of the testimony of Witness P-0031 in the *Lubanga* case, (2) the statement of Witness P-0300 and (3) the victim participation for of Witness P-0758. The Prosecution also re-disclosed one document, an investigation note related to Witness P-0758, with additional redactions.¹
4. The Prosecution disclosed as incriminating evidence: (1) one document related to Witness P-0031, (2) one document related to P-0883, (3) one recently obtained victim participation form for Witness P-0758, and (4) the witness preparation session log and disclosure note for Witness P-0918. The Prosecution will add these documents to its list of evidence.
5. The Prosecution disclosed under rule 77: (1) one video provided by Witness P-0002, (2) one investigation note related to Witness P-0761, (3) one investigation

¹ This document had inadvertently been disclosed without all the necessary redactions. On 10 November 2016, in accordance with Part IV of the Protocol on the Handling of Confidential Information During Investigations and Contact Between A Party or Participant and Witnesses of the Opposing Party or of a Participant (ICC-01/04-02/06-412-AnxA) ("Protocol"), the Prosecution requested the Defence to treat this disclosure as inadvertent and to delete any hard or electronic copies in its possession. The Defence confirmed the deletion of all copies of this document on the same day. The Prosecution subsequently re-disclosed the document with the appropriate redactions.

note related to Witnesses P-0758, P-0773, P-0761 and P-0806, (4) the pre-interview assessment of Witness P-0758, (4) one report from an open source, (5) one photograph and (6) thirteen documents related to P-0154.

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 17th day of November 2016
At The Hague, The Netherlands