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No.: ICC-01/04-02/06
Date: 12 January 2017

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

Disclosure of evidence

2. On 4 and 10 January 2017, the Prosecution disclosed a total of 25 items, including 12 items as incriminating evidence and 13 items under the provision of rule 77.
3. The Prosecution re-disclosed, having lifted certain redactions, (1) a statement by Witness P-0016, (2) three interview transcripts of Witness P-0067's interview, and (3) three documents related to Witness P-0108.
4. The Prosecution disclosed as incriminating evidence: (1) two documents referred to in P-0045's statement, (2) one document mentioned by Witness P-0005 in his statement,¹ and (3) two documents related to Witness P-0005.² These documents will be added to the Prosecution's list of evidence.
5. The Prosecution disclosed, under rule 77: (1) three photographs provided by Witness P-0045, (2) two investigation notes related to Witness P-0043, and (3) eight documents related to Witness P-0005.³

¹ This document (DRC-OTP-0113-0186) was not previously disclosed because it is almost identical to the first page of DRC-OTP-0165-0256, which was disclosed in July 2013.

² These two documents (DRC-OTP-0113-0156 and DRC-OTP-0113-0212) were previously disclosed under a different classification.

³ These documents include lesser redacted versions of six documents available to the Defence as annexes to filing ICC-01/04-01/06-2741 in the *Lubanga* case. The Registry and Trial Chamber I had provided the lesser redacted versions of these annexes *via* email to the Parties and participants.

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 12th day of January 2017
At The Hague, The Netherlands