



Original: **English**

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

Date: **30 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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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”), 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 25 and 30 January 2017, the Prosecution disclosed a total of 543 items, including 510 items as incriminating evidence, 22 items under the provision of rule 77, and 11 items that did not fall under these disclosure categories.
3. The Prosecution disclosed as incriminating evidence: (1) one open source report, (2) one investigation note related to Witness P-0857, (3) the witness preparation session log and disclosure note for Witness P-0773 and (4) 505 summaries of Detention Centre communications.² These documents will be added to the Prosecution’s list of evidence.
4. The Prosecution disclosed, under rule 77: (1) one notebook, (2) seven investigation notes related to Witnesses P-0005, P-0043, P-0116 and P-0857, (3) ten documents related to or mentioning Witness P-0067, (4) one report related to Witness P-0317, and (5) the witness preparation session logs and disclosure notes for Witnesses P-0863, P-0005 and P-0108.

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.

² Advance copies of 416 of these summaries were provided to the Defence in five batches on 15, 19, 24 and 25 November 2016. Advance copies of 90 additional summaries were provided to the Defence on 25 January 2017.

5. The Prosecution also disclosed lesser redacted versions of (1) P-0317's statement and (2) P-0863's victim application.
6. Lastly, the Prosecution disclosed as a courtesy (1) ten photographs related to Witness P-0067 and (2) the audio recording of the 26 November 2016 meeting with Witness P-0773 in relation with rule 68(2)(b).
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 30th day of January 2017
At The Hague, The Netherlands