



Original: English

No.: ICC-01/04-02/06
Date: 10 February 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

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Mr Stéphane Bourgon
Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

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
Defence**

States Representatives

Amicus Curiae

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 6, 8 and 10 February 2017, the Prosecution disclosed a total of twenty items, including thirteen items as incriminating evidence and six items under the provision of rule 77.
3. The Prosecution disclosed as incriminating evidence: (1) four school records;¹ (2) one handwritten note related to Witness P-0551; (3) and the excel version of the report DRC-OTP-0195-2366.² These documents will be added to the Prosecution's list of evidence. In addition, the Prosecution disclosed two documents related to Witness P-0045.
4. The Prosecution re-disclosed as incriminating evidence five items that had previously been disclosed under a different classification, namely five transcripts of interview of Witness P-0551. These documents will be added to the Prosecution's list of evidence.
5. The Prosecution disclosed, under rule 77: (1) two witness preparation session log and disclosure notes related to Witnesses P-0857 and P-0317; (2) one investigation report related to Witness P-0116; (3) two transcripts of interview related to Witness P-0227; (4) and an investigation report related to Witness P-0227.

¹ Advance courtesy copies have been provided to the Defence by email on 7 February 2017 at 18:24.

² This document is registered as DRC-OTP-0195-2366_0001.

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 10th day of February 2017
At The Hague, The Netherlands