



Original: **English**

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

Date: **31 March 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**

Defence communication of the disclosure of evidence

Source: Defence Team of Mr Bosco Ntaganda

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

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REGISTRY

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Mr Herman von Hebel

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Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Counsel representing Mr Bosco Ntaganda (“Defence”) hereby provides notice of the disclosure of evidence pursuant to Trial Chamber VI’s (“Chamber”) *Decision supplementing the Decision on the Conduct of Proceedings* (ICC-01/04-02/06-619) and providing directions related to preparations for the presentation of evidence by the Defence issued on 30 January 2017, (“Decision on Conduct of Proceedings for Defence”).¹ Annex 1 contains the material falling under its disclosure obligations pursuant to paragraph 13 of the Decision on Conduct of Proceedings for Defence.

II. PROCEDURAL BACKGROUND

2. On 2 June 2015, the Chamber issued its *Decision on the conduct of the proceedings* wherein it informed the parties and participants that:

towards the end of the presentation of evidence by the Prosecution, the Defence will be instructed to file a notice as to whether it intends to call evidence. Subsequently, if applicable, the Chamber will issue a decision setting out the procedure to be followed for any applicable disclosure by the Defence.²

3. On 19 October 2016, the Chamber issued its *Order setting certain deadlines related to the end of the presentation of evidence by the Prosecution*,³ wherein it instructed “the Defence to file the aforementioned notice [as to whether it intends to call evidence] by 16 December 2016”.⁴ The Defence was also instructed to “provide the Chamber, by the same deadline, on an *ex parte* basis, with a preliminary list of witnesses it intends to call”.⁵

¹ Decision supplementing the Decision on the Conduct of Proceedings (ICC-01/04-02/06-619) and providing directions related to preparations for the presentation of evidence by the Defence, ICC-01/04-02/06-1757, 30 January 2017, p. 6.

² Decision on the conduct of proceedings, ICC-01/04-02/06-619, 2 June 2015, p. 8.

³ Order setting certain deadlines related to the end of the presentation of evidence by the Prosecution, ICC-01/04-02/06-1588, 19 October 2016 (“Order setting out certain deadlines”).

⁴ Order setting out certain deadlines, para. 10.

⁵ Order setting out certain deadlines, para. 11.

4. On 30 January 2017, the Chamber held that “[b]y 31 March 2017, the Defence must disclose all material in its possession which falls under its disclosure obligations”.⁶

III. DISCLOSURE OF EVIDENCE

5. In accordance with the Chamber’s instructions, the Defence hereby provides in Annex 1, document DRC-D18-0001-3346 which corresponds to [REDACTED] of Witness D-0178 and document DRC-D18-0001-3352 which corresponds to [REDACTED] of Witness D-0179.

CONFIDENTIALITY

6. Pursuant to Regulations 23*bis* (2) of the Regulations of the Court, this Defence Communication of Disclosure is classified as confidential as well as the annex to this document as they refer to confidential material related to Defence witnesses.

RESPECTFULLY SUBMITTED ON THIS 31ST DAY OF MARCH 2017



Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands

⁶ Conduct of Proceedings for Defence, para. 13.