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

Date: 24 April 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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Legal Representatives of Victims

Ms Sarah Pellet
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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
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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”), 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 29 March 2017 and 13 April 2017, the Prosecution disclosed a total of eleven items, including seven items as incriminating evidence, three items under the provision of rule 77, and one item that did not fall under these disclosure categories.
3. Further to the Trial Chamber VI’s order,² the Prosecution disclosed as incriminating evidence the new versions of seven transcripts and translations with the amendments agreed upon by the Parties or imposed by the Registry.
4. The Prosecution further disclosed under rule 77, three UN documents for which the lifting of the restrictions under article 54(3)(e) of the Statute was recently obtained.
5. Lastly, the Prosecution disclosed as a courtesy the investigation note regarding Witness P-0067’s decision to no longer testify as a Prosecution’s witness.
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.

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 ICC-01/04-02/06-1846, p. 4.

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 24th day of April 2017
At The Hague, The Netherlands