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

Date: 14 July 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

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 3, 11 and 13 July 2017, the Prosecution disclosed a total of 18 items, including 17 items as incriminating evidence and 1 item under the provision of rule 77.
3. The Prosecution disclosed as incriminating evidence, (1) one NGO report, (2) one court document related to Defence Witness D-0079, (3) one open source document, (4) twelve media press articles¹ and (5) one court document.²
4. The Prosecution further disclosed as incriminating evidence, the lesser redacted version of a UN report³ which was previously disclosed with a different ERN.⁴
5. Lastly, the Prosecution disclosed under rule 77, a handwritten note.
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 Courtesy copies of 11 media press articles were provided to the Defence on 11 and 12 July 2017.

² These items will be added to the Prosecution’s list of evidence.

³ The redacted version of this document was previously registered as DRC-OTP-0185-0838.

⁴ This item will be added to the Prosecution’s list of evidence.

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 14th day of July 2017
At The Hague, The Netherlands