



Original: English

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

Date: 22 August 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

**The Office of Public Counsel for the
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States Representatives

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REGISTRY

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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 19 July 2017 and on 4, 14 and 18 August 2017, the Prosecution disclosed a total of 63 items, including 51 items as incriminating evidence and 12 items under the provision of rule 77.
3. The Prosecution disclosed as incriminating evidence, (1) three letters,¹ (2) the French translation of two letters,² (3) two school records, (4) eighteen transcripts and translations of Detention Centre communications, (5) five photographs of a screen captures from the Mongbwalu video and (6) the audio recording of the Prosecution's meeting with D-0172 and its corresponding transcript.
4. The Prosecution further disclosed as incriminating evidence, (1) one list of distances between Bunia and various locations in Ituri, (2) twelve photographs of a logbook containing flight records and (3) photographs of flight records contained in two logbooks covering the period of 1 August 2002 to 30 June 2003 and two related notes on the circumstances of their collection.³
5. Lastly, the Prosecution disclosed under rule 77, (1) two documents and five investigation notes, (2) three documents related to the collection of documents

¹ Courtesy copies of these documents were provided to the Defence by email on 18 July 2017 at 14:07.

² Courtesy copies of these documents were provided to the Defence by email on 18 July 2017 at 13:09 and 14 August 2017 at 15:52.

³ Courtesy copies of the flight records were provided to the Defence by email on 11 August 2017.

DRC-OTP-0014-0177 and DRC-OTP-0016-0285,⁴ (3) an investigation note related to D-0107⁵ and (4) a lesser redacted version of the statement of D-0013.⁶

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 22nd day of August 2017
At The Hague, The Netherlands

⁴ A courtesy copy of this document was provided to the Defence by email on 9 August 2017.

⁵ A courtesy copy of this document was provided to the Defence by email on 11 August 2017 at 16:33.

⁶ A courtesy copy of this document was provided to the Defence by email on 11 August 2017.