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

Date: 3 October 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
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 22 and 27 September 2017 and on 3 October 2017, the Prosecution disclosed a total of 73 items, including 37 items as incriminating evidence and 36 items under the provision of rule 77.
3. The Prosecution formally disclosed as incriminating evidence, (1) three letters from CENI, (2) a map of Bunia city, (3) the facebook page of Witness D-0172, (4) one open source article and (5) one list.¹
4. The Prosecution further disclosed as incriminating evidence, (1) an interview note related to Witness D-0142, (2) a school record related to Witness D-0142, (3) twenty-two transcripts and translations of the non-privileged Detention Centre communications and (4) six transcribed statements related to Witness P-0845.
5. Further to the Trial Chamber VI’s instructions,² the Prosecution disclosed under rule 77, 34 documents for which the lifting of the conditions under article 54(3)(e) were obtained from the United Nations.

¹ Courtesy copies of these items were provided to the Defence by email on 13, 14 and 15 September 2017.

² Trial Chamber VI Communications email sent to the Parties and participants on 8 September 2017 at 15:07.

6. Lastly, the Prosecution formally disclosed, under rule 77, a table listing the Prosecution fifth request for additional information and the Defence response related to this request.³
7. 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.
8. The Prosecution appends the list of the evidence disclosed in Confidential Annex A.

Confidentiality

9. 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 3rd day of October 2017
At The Hague, The Netherlands

³ Courtesy copies of these items were provided to the Defence by email on 20 September 2017 at 15:43.