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

Date: 17 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”).

Disclosure of evidence

2. On 5, 12, 16 and 17 October 2017, the Prosecution disclosed a total of 20 items as incriminating evidence.
3. The Prosecution formally disclosed, as incriminating evidence, (1) one CENI record¹ and (2) a witness statement related to D-0206.
4. The Prosecution further disclosed, as incriminating evidence, (1) the partial translation of a video, (2) an open source article, (3) a document related to Witness D-0041, (4) a judicial file related to Mr Ntaganda, (5) five transcripts of interview of Witness P-0017, (6) four documents for which the lifting of the conditions under article 54(3)(e) were obtained from the United Nations, (7) one open source media article, (8) a correspondence between the Prosecution and the Defence regarding Witness D-0038 and (9) one list.
5. Lastly, the Prosecution disclosed, as incriminating evidence, the redacted and unredacted version of Witness P-0975’s expert report, further to consultation with the Court Management Section.²

¹ A courtesy copy of this document was provided to the Defence by email on 12 October 2017 at 09:57.

² Although the materials have been admitted into evidence through rule 68(2)(b) of the Rules of Procedure and Evidence, pursuant to decision ICC-01/04-02/06-1731, para. 15, an e-Court upload is required for the accuracy of the evidence admitted in the case and the completeness of e-Court metadata.

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 17th day of October 2017
At The Hague, The Netherlands