



Original: English

No.: ICC-01/04-02/06
Date: 28 November 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”), 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 3 and 27 November 2017, the Prosecution disclosed a total of 16 items, including 10 items as incriminating evidence, 5 items under the provision of rule 77 and 1 item that did not fall under these disclosure categories.
3. The Prosecution disclosed, as incriminating evidence, (1) one investigation report and one other document related to Defence Witness D-0070, (2) two maps of Ituri region, (3) three photographs, (4) the Defence response dated 8 May 2017 to Prosecution requests for information regarding Defence witnesses, (5) the CENI record of Defence Witness D-0017 and (5) the audio recording of the interview with Defence Witness D-0017.
4. The Prosecution further disclosed, under rule 77, (1) one court document related to Defence Witness D-0080, (2) one investigation note regarding Prosecution investigative activities in Mandro,² (3) another investigation note³ and (4) the English translation of a Bunia Committee letter.⁴

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 A courtesy copy of this item was provided to the Defence by email on 14 September 2017 at 10:45.

³ A courtesy copy of this item was provided to the Defence by email on 10 November 2017 at 13:10.

⁴ This item is the English translation of the Swahili version of DRC-OTP-0024-0137.

5. In addition, the Prosecution disclosed, under rule 77, the lesser redacted version of Witness P-0040's statement.
6. Lastly, the Prosecution disclosed, as a courtesy, one list related to Defence Witness D-0070.
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 28th day of November 2017
At The Hague, The Netherlands