

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

No.: ICC-01/04-02/06  
Date: 26 November 2013

**PRE-TRIAL CHAMBER II**

Before: Judge Ekaterina Trendafilova, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. BOSCO NTAGANDA***

**Confidential  
with Confidential, Prosecution and Defence Only, Annexes A and B**

**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**

**Legal Representatives of Applicants**

**Unrepresented Victims**

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Participation/Reparation**

**The Office of Public Counsel for Victims**

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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

1. The Prosecution herewith submits its communication of the disclosure of incriminatory evidence pursuant to Articles 61(3)(b) and 67(1)(a) and (b) of the Rome Statute.

### **Disclosure of Incriminatory Evidence**

2. On 18 October and 1 November 2013, further to the Single Judge's decision setting a new calendar for the disclosure of evidence between the parties,<sup>1</sup> the Prosecution filed its second and third applications for redactions to evidence on which it intends to rely at the confirmation of charges hearing.<sup>2</sup>
3. On 30 October 2013, the Prosecution requested a variation of the time limit for the submission of justified proposals for redactions to the statement of witness DRC-OTP-P-0002,<sup>3</sup> which the Single Judge granted on 31 October 2013.<sup>4</sup> On 6 November 2013, the Prosecution filed an application for redactions to the statement of this witness.<sup>5</sup>
4. On 15 November 2013, the Single Judge issued the "Second Decision on the Prosecutor's Requests for Redactions", authorising redactions to the materials that formed part of the Prosecution's second application for redactions and the statement of witness DRC-OTP-P-0002. The Single Judge also authorised the disclosure in summary form of the statement of witness DRC-OTP-P-0800, which formed part of the Prosecution's third application for redactions.<sup>6</sup>
5. On 19 November 2013, the Prosecution filed an application for authorisation to extend a redaction previously authorised by the Single Judge to information contained in the handwritten notes annexed to the transcript of witness DRC-OTP-P-0017's interview.<sup>7</sup> On 21 November 2013, the Single Judge granted the Prosecution's application.<sup>8</sup>

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<sup>1</sup> ICC-01/04-02/06-73, p. 20.

<sup>2</sup> ICC-01/04-02/06-124-Conf-Exp and ICC-01/04-02/06-134-Conf-Exp.

<sup>3</sup> ICC-01/04-02/06-131-Conf-Red.

<sup>4</sup> ICC-01/04-02/06-133-Conf-Red.

<sup>5</sup> ICC-01/04-02/06-136-Conf-Exp.

<sup>6</sup> ICC-01/04-02/06-145-Conf-Red.

<sup>7</sup> ICC-01/04-02/06-149-Conf-Exp.

<sup>8</sup> ICC-01/04-02/06-152-Conf.

6. In compliance with the Single Judge's decisions, on 25 November 2013, the Prosecution disclosed these materials to the Defence, with redactions applied to their content and metadata, or in summary form, as authorised by the Single Judge. The Prosecution appends the list of evidence disclosed in Confidential Annex A.<sup>9</sup>
7. The Prosecution also provides the Chamber and the Defence with the in-depth analysis chart of this incriminating evidence, appended in Confidential Annex B.

### Confidentiality

8. Pursuant to Regulation 23*bis*, this present filing is classified as "Confidential" as it refers to decisions that bear that classification level.



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Fatou Bensouda,  
Prosecutor

Dated this 26<sup>th</sup> day of November 2013  
At The Hague, The Netherlands

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<sup>9</sup> As required by the Single Judge, the list of evidentiary items contained in Confidential Annex A reflects the level of confidentiality applicable to each item. The Prosecution will inform the Court Management Section of the recipients - at this stage the Defence only - to whom the material should be released on e-Court.