

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06  
Date: 18 February 2014

**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***

**Public**

**Prosecution's Second Report on the Status of Disclosure of Documents  
Obtained under Article 54(3)(e)**

**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 Marc Desalliers  
Ms Caroline Buteau  
Ms Andrea Valdivia

**Legal Representatives of Victims**

**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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

## Prosecution's Report

1. In the "Decision Regarding the Non-Disclosure of 116 Documents Collected Pursuant to Article 54(3)(e) of the Rome Statute",<sup>1</sup> the Single Judge ordered the Prosecution to submit a report every two weeks on the status of the documents obtained under article 54(3)(e) of the Rome Statute ("Statute") that are to be disclosed to the Defence.
2. On 3 February 2014, the Prosecution filed its first report ("First Report") as ordered,<sup>2</sup> and it hereby submits its second report.
3. On 7 February 2014, the Prosecution disclosed to the Defence 14 documents from one provider in their redacted form as approved by the Single Judge.<sup>3</sup> Lifting of restrictions for those documents was reported in the Prosecution's First Report.<sup>4</sup>
4. Since its First Report, and as part of its on-going consultations, the Prosecution has had further contact with two providers and expects a response concerning lifting of restrictions from at least one of them before Friday 21 February 2014 and is awaiting a response from the other.

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<sup>1</sup> ICC-01/04-02/06-229, page 10.

<sup>2</sup> ICC-01/04-02/06-243.

<sup>3</sup> ICC-01/04-02/06-248-Conf-Red.

<sup>4</sup> ICC-01/04-02/06-243, para. 2.

5. The status of disclosure remains unchanged from the Prosecution's First Report: lifting of 54(3)(e) restrictions was obtained for 48 documents: (a) 36 documents out of the 172 identified as containing information falling within the provisions of rule 77, and (b) 12 documents classified as incriminating.



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Fatou Bensouda,  
Prosecutor

Dated this 18th day of February 2014  
At The Hague, The Netherlands