

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 22 May 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 Eighth 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

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

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

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",¹ 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 that are to be disclosed to the Defence.
2. On 3 and 18 February, 5 and 20 March, 4 and 22 April, and 7 May 2014, the Prosecution filed its first, second, third, fourth, fifth, sixth and seventh reports respectively, as ordered.²
3. The Prosecution has recently determined that one item listed as part of the list of 116 rule 77 documents submitted to the Single Judge on 17 January 2014 was mistakenly identified as having been obtained under article 54(3)(e)³. This document was disclosed to the Defence on 8 May 2014.⁴
4. Consequently, in the list of 116 rule 77 items submitted to the Single Judge,⁵ only 115 documents were received pursuant to article 54(3)(e).
5. On 30 January 2014, the Prosecution submitted to the Single Judge a second list of an additional 56 incriminatory documents received under article 54(3)(e) containing rule 77 information.⁶

¹ ICC-01/04-02/06-229, page 10.

² ICC-01/04-02/06-243, ICC-01/04-02/06-262, ICC-01/04-02/06-270, ICC-01/04-02/06-285, ICC-01/04-02/06-290, ICC-01/04-02/06-297, ICC-01/04-02/06-300.

³ ICC-01/04-02/06-216-Conf-Exp-Anx116.

⁴ ICC-01/04-02/06-301-Conf-AnxA.

⁵ ICC-01/04-02/06-216-Conf-Exp-AnxA.

⁶ ICC-01/04-02/06-239-Conf-Exp-AnxA.

6. Accordingly, there is a total of 171 documents, and not 172 documents, received under article 54(3)(e) that contain information of relevance under rule 77.
7. To date, the Prosecution has obtained lifting of restrictions for the following documents: (a) 141 documents out of the 171 identified as containing information falling within the provisions of rule 77, and (b) 100 documents classified as incriminating.
8. The Prosecution continues to consult with the providers to obtain their consent to the lifting of restrictions imposed on the remaining documents.



Fatou Bensouda,
Prosecutor

Dated this 22nd day of May 2014
At The Hague, The Netherlands