

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 18 January 2016

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 Public Annex A**

**Public redacted version of “Prosecution’s Updated List of Evidence”,
15 January 2016, ICC-01/04-02/06-1084-Conf**

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Unrepresented Applicants
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Other

Introduction

1. In accordance with the procedure established by Trial Chamber VI (“Chamber”) in its oral decision of 22 April 2015 and its decision of 28 May 2015, the Prosecution files an Updated List of Evidence, having added 57 items to the list.

Procedural History

2. On 9 October 2014, the Chamber set 2 March 2015 as the final deadline for disclosure by the Prosecution and the filing of a final version of its List of Evidence.¹
3. On 2 March 2015, the Prosecution filed its List of Evidence.²
4. On 19 March 2015, the Prosecution filed a request to amend its List of Evidence.³ On 22 April 2015, the Chamber rendered an oral ruling on this request, holding it “unnecessary to rule specifically on amendments to the List of Evidence” and directing the Prosecution to “file an updated List of Evidence into the case record whenever amendments to it are made” (“Oral Decision”).⁴
5. On 1 May 2015, the Prosecution filed an Updated List of Evidence.⁵
6. On 28 May 2015, the Chamber directed the Prosecution to notify the Defence in a clear manner of any document added to its List of Evidence, “such as by listing each additional document by its identifying number rather than integrating the new items into the original List of Evidence” (“Directions”).⁶

¹ ICC-01/04-02/06-382-Corr, para. 9(c) and (d).

² ICC-01/04-02/06-491-Conf-Exp-AnxA and ICC-01/04-02/06-491-Conf-AnxC.

³ ICC-01/04-02/06-524.

⁴ ICC-01/04-02/06-T-19-ENG, p. 11, l. 7 to p. 12, l. 3.

⁵ ICC-01/04-02/06-587.

⁶ ICC-01/04-02/06-611, para. 15.

7. On 29 May 2015, the Prosecution filed an Updated List of Evidence.⁷
8. On 26 June 2015, the Prosecution filed an Updated List of Evidence.⁸
9. On 29 July 2015, the Prosecution filed an Updated List of Evidence.⁹
10. On 16 September 2015, the Prosecution filed an Updated List of Evidence.¹⁰
11. On 25 September 2015, the Prosecution filed an Updated List of Evidence.¹¹
12. On 19 October 2015, the Prosecution filed an Updated List of Evidence.¹²
13. On 29 October 2016, the Prosecution filed an Updated List of Evidence.¹³

Provision of an Updated List of Evidence

14. In accordance with the Oral Decision¹⁴ and the Directions,¹⁵ the Prosecution files an Updated List of Evidence (Annex A), having added 57 items to the list.

15. These items include:

- (1) Four photographs of envelopes containing DNA samples collected by the Prosecution. These photographs are referred to in expert report DRC-OTP-2084-0002 and were disclosed for completeness;
- (2) 32 photographs related to the exhumations conducted by the Prosecution. These are duplicates of photographs already disclosed to the Defence on 30 January 2015. It recently came to the Prosecution's attention that these

⁷ ICC-01/04-02/06-617.

⁸ ICC-01/04-02/06-672.

⁹ ICC-01/04-02/06-753.

¹⁰ ICC-01/04-02/06-831.

¹¹ ICC-01/04-02/06-864.

¹² ICC-01/04-02/06-911.

¹³ ICC-01/04-02/06-959.

¹⁴ ICC-01/04-02/06-T-19-ENG, p. 11, l. 7 to p. 12, l. 3.

¹⁵ ICC-01/04-02/06-611, para. 15.

duplicates had been inadvertently referred to in two expert reports (DRC-OTP-2073-0076 and DRC-OTP-2075-0312) instead of the disclosed versions of the photographs.

- (3) The statement and transcripts of an interview of Witness P-0038 disclosed on 11 December 2015;
- (4) 15 annotated maps or handwritten notes made by Witnesses [REDACTED] during their testimony in the *Lubanga* case;
- (5) The victim application of Witness P-0790;
- (6) One photograph related to Witness P-0901 and disclosed on 7 October 2015.

Confidentiality

16. Pursuant to regulation 23bis(2) of the Regulations of the Court, this filing is classified as confidential because it provides identifying information about witnesses. The Prosecution will file a public redacted version of this filing.



Fatou Bensouda
Prosecutor

Dated this 18th day of January 2016
At The Hague, The Netherlands