

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-02/06
Date: 12 December 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 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

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**Unrepresented Applicants for
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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 28 and 30 November 2016 and on 2 and 7 December 2016, the Prosecution disclosed a total of 134 items, including 90 items as incriminating evidence, 37 items under the provision of rule 77, and 7 items that did not fall under these disclosure categories.
3. The Prosecution re-disclosed, having lifted certain redactions, (1) the statement of Witness P-0868;² (2) two sketches, three letters, two lists and thirteen transcripts of interview, all related to Witness P-0016; (3) an investigation note related to Witness P-0120; (4) six documents related to Witness P-0031; (5) two documents related to Witness P-0012; (6) a statement and a report related to Witness P-0115; (7) the statement of Witness P-0025; (8) a document related to Witness P-0012; (9) the statement of Witness P-0051; (10) a statement and three documents related to Witness P-0110; (11) and the victim application of witness P-0010.
4. The Prosecution disclosed as incriminating evidence: (1) one investigation note related to Witness P-0868; (2) five articles related to Witness P-0453; (3) three witness preparation session log and disclosure notes of Witnesses P-0012,³ P-

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 document was provided to the Defence by email on 6 December 2016 at 15:05.

³ A courtesy copy of this document was provided to the Defence by email on 18 November 2016 at 9:34.

0300⁴ and P-0883;⁵ (4) twelve school records that were recently collected;⁶ (5) two transcripts of testimony of Witness P-0932; (6) an investigation note related to Witness P-0868; (7) one statement related to Witness P-0768; (8) three photographs of individuals; (9) a hand drawn map related to Witness P-0300;⁷ (10) a report with 2 appendix and a curriculum vitae, all related to Witness P-0810;⁸ (11) twenty rule 68(2)(b)(iii) related materials for Witnesses P-0932, P-0551, P-0057, P-0773 and P-0020; (12) three articles related to Witness P-0453;⁹ (13) and the addendum to the expert report of Witness P-0810.¹⁰ For technical reasons, the Prosecution could not formally include 2 satellite images related to the expert report of P-0810, which are in a format not supported by Ringtail and e-Court. These items were provided to the Defence on a DVD.

5. The Prosecution disclosed, under rule 77: (1) a letter related to Witness P-0012; (2) the schedule of contact between P-0154 and intermediaries and witnesses;¹¹ two witness preparation session logs and disclosure notes of Witnesses P-0898¹² and P-0002;¹³ (3) the identity card of Witness P-0868;¹⁴ (4) a report¹⁵ and an investigation note related to P-0154;¹⁶ (5) ten photographs and a note; (6) five sketches related to Witness P-0867;¹⁷ (7) and the witness preparation session log and disclosure note of Witness P-0121 as well as the notes the witness took during the preparation sessions.¹⁸

⁴ A courtesy copy of this document was provided to the Defence by email on 24 November 2016 at 19:10.

⁵ A courtesy copy of this document was provided to the Defence by email on 25 November /2016 at 14:55.

⁶ Courtesy copies of these documents were provided to the Defence by email on 2 November 2016 at 14:55.

⁷ A courtesy copy of this document was provided to the Defence by email on 21 November 2016 at 11:24.

⁸ Courtesy copies of these documents were provided to the Defence by email on 17 November 2016 at 17:46.

⁹ Courtesy copies of these documents were provided to the Defence by email on 1 December 2016 at 17:06.

¹⁰ A courtesy copy of this document was provided to the Defence by email on 1 December 2016 at 17:48.

¹¹ A courtesy copy of this document was sent to the Defence by email on 4 November 2016 at 15:32.

¹² A courtesy copy of this document was provided to the Defence by email on 7 November 2016 at 10:56.

¹³ A courtesy copy of this document was provided to the Defence by email on 30 November 2016 at 15:00.

¹⁴ A courtesy copy of this document was provided to the Defence by email on 29 November 2016 at 14:30.

¹⁵ A courtesy copy of this document was provided to the Defence by email on 7 October 2016 at 18:40.

¹⁶ A courtesy copy of this document was provided to the Defence by email on 7 October 2016 at 11:02.

¹⁷ Courtesy copies of these documents were provided to the Defence by email on 6 December 2016 at 14:15.

¹⁸ Courtesy copies of these documents were provided to the Defence by email on 5 December 2016 at 15:10.

6. Lastly, the Prosecution disclosed as a courtesy (1) the witness preparation session log and disclosure note of Witness P-0761;¹⁹ (2) and four draft transcripts and two draft translations of transcripts of videos.
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 12th day of December 2016
At The Hague, The Netherlands

¹⁹ A courtesy copy of this document was sent to the Defence by email on 17 November 2016 at 18:33.