



Original: English

No.: ICC-01/04-02/06
Date: 20 September 2017

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
Participation/Reparation**

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**The Office of Public Counsel for the
Defence**

States Representatives

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REGISTRY

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

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 23 August 2017 and on 4, 7 and 15 September 2017, the Prosecution disclosed a total of 46 items, including 33 items as incriminating evidence, 11 items under the provision of rule 77 and 2 items that did not fall under these disclosure categories.
3. The Prosecution formally disclosed as incriminating evidence, (1) the English translation of a letter,² (2) one photo board, (3) five documents related to school records, (4) two investigation notes,³ (5) two documents related to Witness D-0172, (6) four transcripts of interview related to Witness P-0901,⁴ (7) one investigation report related to Witness P-0901,⁵ and (8) the colour version of a document that was previously disclosed in black and white.⁶
4. The Prosecution further disclosed as incriminating evidence, (1) two sets of satellite images, from 1999 and 2010/2011, of the area between Dala and Mongbwalu, (2) one investigation note related to Witness P-0901, and (3) one list.

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 25 August 2017 at 09:54.

³ Courtesy copies of items (2) to (4) were provided to the Defence by email on 6 September 2017 at 18:23.

⁴ Courtesy copies of these documents were provided to the Defence by email on 6 September 2017 at 18:23 and on 11 September 2017 at 16:03.

⁵ A courtesy copy of this document was provided to the Defence by email on 11 September 2017 at 16:03.

⁶ A courtesy copy of this document was provided to the Defence by email on 12 September 2017 at 9:28.

5. The Prosecution formally disclosed under rule 77, (1) three photos of an aviation logbook and an investigation note with two annexes,⁷ (2) one document related to a search and seizure by the DRC authorities,⁸ and (3) two tables and two emails provided by the Defence to the Prosecution.⁹
6. Lastly, the Prosecution disclosed as a courtesy, two documents related to a search and seizure by the DRC authorities.¹⁰
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 20th day of September 2017
At The Hague, The Netherlands

⁷ Courtesy copies of these documents were provided to the Defence by email on 31 August 2017 at 12:19.

⁸ A courtesy copy of this document was provided to the Defence by email on 5 September 2017 at 10:15.

⁹ The emails and tables were provided by the Defence on 5 and 6 April 2017, and on 4, 17, 25 and 26 May 2017.

¹⁰ Courtesy copies of these documents were provided to the Defence by email on 5 September 2017 at 10:15.