

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 28 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

**Public Document
with Confidential Annexes A, B, C and D**

**Prosecution's Communication of Incriminatory Evidence Disclosed and the
Issuance of the eCourt Metadata to the Defence on 25 April 2008**

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

Counsel for the Defence of Germain Katanga

Mr David Hooper

Mr Göran Sluiter

Counsel for the Defence of Germain Katanga

Mr Jean-Pierre Kilenda Kakengi Basila

Ms Maryse Alié

Legal Representatives of Victims

Mr Joseph Keta

Ms Carine Bapita Buyangandu

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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

The Office of the Prosecutor ("Prosecution") notifies the Single Judge that on 25 April 2008 it disclosed to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI seven documents as incriminatory evidence pursuant to Article 61(3)(b) of the Statute and Rule 121(2) of the Rules of Procedure and Evidence ("Rules"). These documents were previously disclosed to both Defence teams pursuant to Rule 77 of the Rules¹ and have now been re-disclosed as incriminating evidence since the Prosecution intends to rely on them at the Confirmation Hearing.

The Prosecution further informs the Single Judge that, in compliance with the Order of 22 April 2008 rendered at the hearing of 22 April 2008,² it issued to both Defence teams a CD containing the eCourt metadata for all the documents contained on the Prosecution List of Evidence, with the relevant links to the Document Containing the Charges filed on 21 April 2008.³

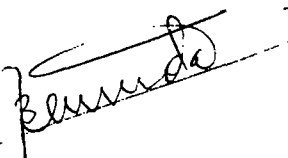
¹ DRC-OTP-0118-0471 was disclosed, in Pre-Confirmation Rule 77 package 5, to the Defence of Germain Katanga on 5 March 2008 (ICC-01/04-01/07-252-Conf-AnxA) and to the Defence of Mathieu Ngudjolo Chui on 20 March 2008 (ICC-01/04-01/07-337-Conf-AnxM); DRC-OTP-0039-0013 and DRC-OTP-0039-0294 were disclosed, in Pre-Confirmation Rule 77 package 8, to the Defence of Mathieu Ngudjolo Chui on 19 March 2008 (ICC-01/04-01/07-333-Conf-AnxA) and to the Defence of Germain Katanga on 26 March 2008 (ICC-01/04-01/07-343-Conf-AnxA); and DRC-OTP-0126-0478, DRC-OTP-0180-0863, DRC-OTP-1012-0035, DRC-OTP-1012-0038, in Pre-Confirmation Rule 77 package 9 of 4 April 2008 to both Defence teams (ICC-01/04-01/07-372 with Confidential Annexes A and B).

² ICC-01/04-01/07-T-26-ENG-ET, p. 23, line 8. The Single Judge instructed the Prosecution to issue the eCourt metadata, for all the documents identified on the Prosecution List of Evidence, with the incriminating information contained in those documents linked, in accordance with the Draft eCourt Protocol, to the relevant paragraphs of the Document Containing the Charges.

³ ICC-01/04-01/07-436.

Request for Confidentiality

The Prosecution requests that Annexes A,⁴ B,⁵ C,⁶ and D⁷ appended to this communication be received by the Single Judge as "Confidential" since they relate to *inter partes* disclosure.



Fatou Bensouda
Deputy Prosecutor
on behalf of
Luis Moreno-Ocampo
Prosecutor

Dated this 28th day of April 2008

At The Hague, The Netherlands

⁴ "List of Disclosed Material" provided to the Defence of Germain Katanga.

⁵ "List of Disclosed Material" provided to the Defence of Mathieu Ngudjolo Chui.

⁶ "List of material for which eCourt metadata is provided", provided to the Defence of Germain Katanga.

⁷ "List of material for which eCourt metadata is provided", provided to the Defence of Mathieu Ngudjolo Chui.