



Original: English

No.: ICC-01/04-01/07
Date: 27 November 2008

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Fumiko Saiga

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

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

**Prosecution's Communication of Originals of Incriminatory Evidence Disclosed to
the Defence on 24 November 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 Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila

Ms Maryse Alié

Legal Representatives of Victims

Ms Carine Bapita Buyangandu

Mr Joseph Keta

Mr Jean-Louis Gilissen

Mr Hervé Diakiese

Mr Jean Chrysostome Mulamba

Nsokoloni

Unrepresented Victims

Legal Representatives of Applicants

**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") hereby files into the record of the case of the *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* the originals of the documents disclosed to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui as incriminatory evidence on 24 November 2008. The Prosecution informs the Chamber that fourteen of the forty-eight documents disclosed to the Defence have been submitted to the Registry in hard copy. Eight documents had already been provided to the Registry. Twenty-six documents to be provided in electronic format cannot be provided as their containers cannot be provided at this stage or as they were processed directly from the network and no CDs were created or registered as containers.

Request for Sealing

The Prosecution requests that Annexes A¹, B², C³ and D⁴ be received as "Confidential" since they relate to *inter partes* disclosure.



Luis Moreno-Ocampo, Prosecutor

Dated this 27th day of November 2008

At The Hague, The Netherlands

¹ Signed "Chain of Custody" Form.

² List of hard copies.

³ List of documents not provided. This list contains eight documents for which originals have already been provided to the Registry in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.

⁴ List of electronic documents disclosed and status of original container. This list contains twenty-six documents. For twenty-one of these documents the containers cannot be provided at this stage since the CDs contain both disclosed and non-disclosed material. Five electronic documents were processed directly from the network and no CDs were created or registered as a container.