



Original: English

No.: ICC-01/04-01/07
Date: 1 December 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 and C**

**Prosecution's Communication of Originals of Incriminatory Evidence Disclosed to
the Defence on 28 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 audio-video files disclosed to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui as incriminatory evidence on 28 November 2008. The Prosecution informs the Chamber that the originals of three of the seven audio-video files disclosed to the Defence have been submitted to the Registry. Four audio-video files had already been provided to the Registry.

Request for Sealing

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



Luis Moreno-Ocampo, Prosecutor

Dated this 1st day of December 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 four audio-video files for which originals have already been provided to the Registry in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.