

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/07  
Date: 19 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 Document  
with Confidential Annexes A and B**

**Prosecution's Communication of Potentially Exonerating Evidence Disclosed to  
the Defence on 19 December 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**

Mr Joseph Keta

Ms Carine Bapita Buyagandu

Mr Jean-Louis Gilissen

Mr Hervé Diakiese

Mr Jean Chrysostome Mulamba

Nsokoloni

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

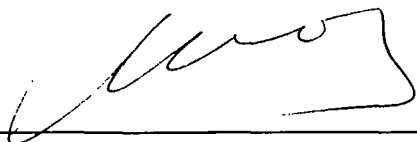
**Victims Participation and Reparations  
Section**

**Other**

The Office of the Prosecutor ("Prosecution") herewith submits its report regarding the disclosure on 19 December 2008 pursuant to Article 67(2) of the Statute to the Defence of Germain KATANGA and Mathieu NGUDJOLO CHUI, of four potentially exonerating documents. Three of those documents were collected pursuant to Article 54(3)(e) restrictions. Two out of the three Article 54(3)(e) documents were re-disclosed without redactions. One document was disclosed for the first time after the provider consented to the lifting of confidentiality restrictions. This document was disclosed without redactions.

### **Request for Confidentiality**

Annexes A<sup>1</sup> and B<sup>2</sup> appended to this communication contain the "List of Disclosed Material" provided to each Defence team. The Prosecution requests that these annexes be received as "Confidential" since they relate to *inter partes* disclosure.

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Luis Moreno-Ocampo, Prosecutor

Dated this 19<sup>th</sup> day of December 2008

At The Hague, The Netherlands

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<sup>1</sup> List of Disclosed Material provided to the Defence of Germain Katanga on 19 December 2008.

<sup>2</sup> List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 December 2008.