

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 6 February 2009

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 5 February 2009**

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 Buyangandu
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

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

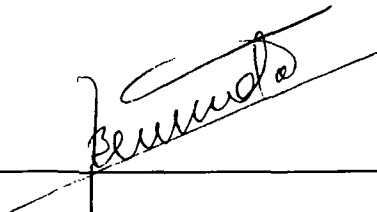
Victims Participation and Reparations Section

Other

The Office of the Prosecutor ("Prosecution") herewith submits its report regarding the disclosure on 5 February 2009 pursuant to Article 67(2) of the Statute to the Defence of Germain KATANGA and Mathieu NGUDJOLO CHUI, of twenty-three potentially exonerating documents. Twenty-one of these documents were disclosed with redactions authorised by the Trial Chamber in its oral decision rendered on 3rd February 2009¹.

Request for Confidentiality

Annexes A² and B³ 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.



Fatou Bensouda, Deputy Prosecutor

Dated this 6th day of February 2009

At The Hague, The Netherlands

¹ Please see 02/03/09 ICC-01/04-01/07-T-56-ENG, lines 15:5–15:9.

² List of Disclosed Material provided to the Defence of Germain Katanga on 5 February 2009.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 5 February 2009.