

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 23 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 Incriminatory Evidence Disclosed to the Defence
on 20 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

Legal Representatives of Applicants

Ms Carine Bapita Buyangandu

Mr Hervé Diakiese

Mr Vincent Lurquin

Mr Jean Chrysostome Mulamba Nsokoloni

Ms Flora Mbuyu Anjelani

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Mr Joseph Keta

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

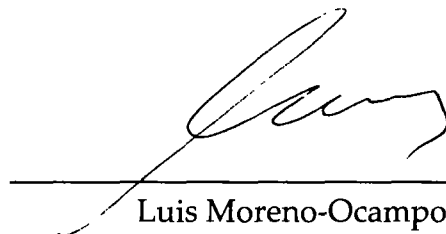
**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution") herewith notifies the Chamber of its disclosure on 20 February 2009 pursuant to Article 64(3)(c) of the Statute to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of fourteen documents as incriminatory evidence. Seven of these documents are translations into French of previously disclosed transcripts. These transcripts were disclosed with the same redactions as those authorised for the original transcripts by the Trial Chamber in its decision ICC-01/04-01/07-889-Conf. The remaining seven documents are former 54(3)(e) material for which conditions of confidentiality have recently been lifted.¹

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.


Luis Moreno-Ocampo, Prosecutor

Dated this 23rd day of February 2009

At The Hague, The Netherlands

¹ The lifting of the conditions of confidentiality was requested by the Prosecution for these 7 documents which contain incriminatory information only. As such, they have never been tabulated in our lists identifying potentially exonerating and/or Rule 77 material (*see* ICC-01/04-01/07-897-Conf-Exp).

² List of Disclosed Material provided to the Defence of Germain Katanga on 20 February 2009.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 20 February 2009.