

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 05 March 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

**with *Ex parte* only available to the Office of the Prosecutor
Annexes A, B, C, D, E and F**

**Prosecution's Submission of Documents Obtained Pursuant to Article 54(3)(e) of
the Statute and Already Communicated to the Defence in Redacted Form**

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

**Le Conseil de la Défense de Germain
Katanga**

Mr David Hooper
Ms Caroline Buisman

**Le Conseil de la Défense de Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of Victims

Ms Carine Bapita Buyangandu
Mr Hervé Diakiese
Mr Vincent Lurquin
Ms Flora Mbuyu Anjelani
Mr Jean Chrysostome Mulamba Nsokoloni
Mr Fidel Nsita Luvengika

Legal Representatives of Applicants

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 Other
Section**

During the hearing of 3 February 2009¹ and in a subsequent decision,² Trial Chamber II (“Chamber”) ordered the Prosecution to submit to the Chamber all the documents obtained under the terms of Article 54(3)(e) of the Rome Statute (“Statute”) that have already been communicated to the Defence in redacted form pursuant to the providers’ requests. The Chamber further ordered the Prosecution to submit both redacted and original versions of these documents. The Prosecution respectfully submits the requested documents and appends an explanatory chart to the present filing detailing the disclosure background to the said documents. Pursuant to the Chamber’s decision and in order to prevent any delay, the Prosecution is hereby submitting an additional chart listing Article 54(3)(e) documents recently obtained in redacted form which have not been disclosed to the Defence with the pertinent explanations.

Submission

1. Annex A contains an explanatory chart, listing all the documents obtained pursuant to Article 54(3)(e) of the Statute communicated previously to the Defence in redacted form.
2. Annexes B and C contain the original and redacted versions of all the documents obtained pursuant to Article 54(3)(e) of the Statute, respectively, that have been communicated to the Defence in redacted form.
3. Annex D contains an explanatory chart, listing all the documents obtained pursuant to Article 54(3)(e) of the Statute for which a redacted version has

¹ ICC-01/04-01/07-T-56-ENG CT WT, p. 19, lines 16-22.

² ICC-01/04-01/07-931.

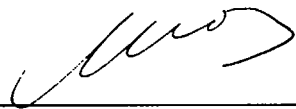
been recently received but which have not, to date, been disclosed to the Defence.

4. Annexes E and F contain the original and redacted versions of all documents obtained pursuant to Article 54(3)(e) of the Statute, respectively, for which a redacted version has recently been received but have not, to date, been disclosed to the Defence.

Request for Confidentiality

The Prosecution requests that annexes A, B, C, D, E and F to the present submission be classified as “Confidential, *ex parte* only available to the Office of the Prosecutor”, since communicating unredacted versions of the documents analysed by the Chamber to the Defence would defeat the purpose for which redactions have been requested by the providers.

7



Luis Moreno-Ocampo, Prosecutor

Dated this 5th day of March 2009

At The Hague, The Netherlands