



Original: English

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

Date: 6 May 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

**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 and B**

**Prosecution's Communication of Originals of Incriminatory Evidence Disclosed to
the Defence on 5 May 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 Andreas O'Shea

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 Hervé Diakiese
Mr Vincent Lurquin
Mr Jean Chrysostome Mulamba Nsokoloni
Ms Flora Mbuyu Anjelani
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 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 original of a video re-disclosed to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui as incriminatory evidence on 5 May 2009.¹

Request for Confidentiality

Annexes A² and B³ appended to this communication contain the form and list referring to the disclosure which took place on 5 May 2009. The Prosecution requests that the above-mentioned annexes be received as "Confidential" since they relate to *inter partes* disclosure.



Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of May 2009

At The Hague, The Netherlands

¹ Video DRC-OTP-0155-0004 was previously disclosed in R77 disclosure package 17, on 20 June 2008. The Prosecution re-classifies this video as incriminating evidence so that it can be made accessible in the eCourt database. The Prosecution will rely on the video at trial.

² Chain of Custody Form for disclosure package 34 of 5 May 2009.

³ List of documents provided in hard copy.