



Original: English

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

Date: 19 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 Document
with Confidential Annexes A and B**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 19 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

Mr Jean-Louis Gilissen

Mr Joseph Keta

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 notifies the Chamber of its disclosure, on 19 May 2009, to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of 115 documents as incriminatory evidence.

The documents related to witnesses W-002, W-30, W-323 and W-373 were disclosed pursuant to Trial Chamber II's ("Chamber") decision ICC-01/04-01/07-1135. The 2007 Bogoro pictures were disclosed following the Chamber's decision ICC-01/04-01/07-1143.

Documents DRC-OTP-1034-0295, DRC-OTP-1034-0314 and DRC-OTP-1034-0323 are transcripts of the statement of W-12 and were disclosed in accordance with decision ICC-01/04-01/07-1033-Conf-Exp. Document DRC-OTP-0028-0421 was re-disclosed as this new scanned version of the original is more legible.

The Prosecution also re-disclosed the images contained on the CD with ERN DRC-OTP-1019-0076. The CD was disclosed in INCRIM Package 14 on 23 June 2008 and the content of the CD (4 maps) was provided to both Defence teams on the same day. The four maps, which were later entered into Ringtail under four separate ERNs (DRC-OTP-1019-0446, DRC-OTP-1019-0447, DRC-OTP-1019-0448 and DRC-OTP-1019-0449), were re-disclosed so that they can be uploaded in eCourt.

Request for Confidentiality

Annexes A¹ and B² 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 19th day of May 2009

At The Hague, The Netherlands

¹ List of Disclosed Material provided to the Defence of Germain Katanga on 19 May 2009.

² List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 May 2009.