

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **28 August 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, B and C**

**Prosecution's Communication of Originals of Incriminatory Evidence Disclosed to
the Defence on 28 August 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
Mr Jean-Pierre Fofé Djofia Malewa

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") hereby files into the record of the case of the *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* the originals of the documents disclosed to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui as incriminatory evidence on 28 August 2009.

Request for Confidentiality

Annexes A¹, B² and C³ appended to this communication contain the form and lists referring to the disclosure which took place on 28 August 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 28th day of August 2009

At The Hague, The Netherlands

¹ Chain of Custody Form for disclosure package 42 of 28 August 2009.

² List of documents provided in electronic format.

³ List of electronic files for which the container will not be provided.