



Original: **English**

No.: ICC-01/04-01/07
Date: **25 September 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 25 September 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

Mr Fidel Nsita Luvengika
Mr Jean-Louis Gilissen

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 Trial Chamber II of its disclosure, on 25 September 2009, to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of 3 documents as incriminatory evidence. The documents are related to witness P-267 and were disclosed pursuant to Decisions ICC-01/04-01/07-1465-Conf-Exp¹ and ICC-01/04-01/07-1483-Conf-Exp², as well as the oral decision of the Chamber rendered during the *ex parte* hearing of 24 September 2009.³

Request for Confidentiality

Annexes A⁴ and B⁵ 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 25th day of September 2009

At The Hague, The Netherlands

¹ For the public redacted version, see ICC-01/04-01/07-1469.

² For the confidential redacted version see ICC-01/04-01/07-1483-Conf-Exp.

³ ICC-01/04-01/07-T-69-CONF-EXP-ENG ET 24-09-2009

⁴ List of Disclosed Material provided to the Defence of Germain Katanga on 25 September 2009.

⁵ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 25 September 2009.