



Original: English

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

Date: 2 October 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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 Potentially Exonerating Evidence Disclosed to
the Defence on 1 October 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 the Victims

Legal Representatives of the Applicants

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Unrepresented Victims

**Unrepresented Applicants
(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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

The Office of the Prosecutor ("Prosecution") herewith submits its report regarding the disclosure, on 1 October 2009, of twenty-six documents pursuant to Article 67(2) of the Statute to the Defence of Germain KATANGA and Mathieu NGUDJOLO CHUI. These documents were disclosed pursuant to and with the redactions authorized by Trial Chamber II's oral decision rendered on 24 September 2009.¹

Request for Confidentiality

Annexes A² and B³ 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 2nd day of October 2009

At The Hague, The Netherlands

¹ ICC-01/04-01/07-T-69-CONF-EXP-FRA ET 24-09-2009.

² List of Disclosed Material provided to the Defence of Germain Katanga on 1 October 2009.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 1 October 2009.