



Original: **English**

No.: ICC-01/04-01/07
Date: 12 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 CONGO

IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI

Public Document
with Confidential Annexes A, B, C, D and E

**Prosecution's Communication of Originals of Incriminatory Evidence Disclosed to
the Defence on 9 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

Mr Fidel Nsita Luvengika
Mr Jean-Louis Gilissen

Legal Representatives of the Applicants

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") 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 9 October 2009.

Request for Confidentiality

Annexes A¹, B², C³, D⁴ and E⁵ appended to this communication contain the form and lists referring to the disclosure which took place on 9 October 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 12th of October 2009

At The Hague, The Netherlands

¹ Chain of Custody Form for disclosure package 45 of 9 October 2009.

² List of documents provided in hard copy.

³ List of documents not provided.

⁴ List of disclosed materials – Containers of electronic media.

⁵ List of electronic documents and status of original container.