



Original: English

No.: ICC-01/04-01/07
Date: 30 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 Incriminatory Evidence Disclosed to the Defence
on 30 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 Jean-Louis Gilissen

Mr Fidel Nsita Luvengika

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 notifies Trial Chamber II of its disclosure, on 30 October 2009, to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of 8 documents as incriminatory evidence.

Six documents are the transcript and French translation thereof related to 3 videos previously disclosed as incriminating material.¹ Their disclosure has been authorized in decision ICC-01/04-01/07-1336. The remaining two documents are the interview transcripts of witnesses 28 and 250, redacted and disclosed pursuant to the Chamber's Decision ICC-01/04-01/07-1551-Conf-Exp-Red.

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 30th day of October 2009

At The Hague, The Netherlands

¹ Videos DRC-OTP-0127-0065, DRC-OTP-0124-0014 and DRC-OTP-0151-0665.

² List of Disclosed Material provided to the Defence of Germain Katanga on 30 October 2009.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 30 October 2009.