



Original: **English**

No.: ICC-01/04-01/07  
Date: 4 November 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 3 November 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 Jean-Louis Gilissen  
Mr Fidel Nsita Luvengika

**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**

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**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 ("Chamber") of its disclosure, on 3 November 2009, to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of 15 documents as incriminatory

evidence. Two documents are the transcript and translation of a video<sup>1</sup> which had previously been disclosed as incriminating evidence. Their disclosure has been authorised in Decision ICC-01/04-01/07-1336. The remaining 13 documents are related to witnesses and were redisclosed with fewer redactions pursuant to Decision ICC-01/04-01/07-1551.

### **Request for Confidentiality**

Annexes A<sup>2</sup> and B<sup>3</sup> 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.



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Luis Moreno-Ocampo, Prosecutor

Dated this 4<sup>th</sup> day of November 2009

At The Hague, The Netherlands

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<sup>1</sup> Video DRC-OTP-0082-0004.

<sup>2</sup> List of Disclosed Material provided to the Defence of Germain Katanga on 3 November 2009.

<sup>3</sup> List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 3 November 2009.