



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 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 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 the Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

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") herewith submits its report regarding the disclosure, on 3 November 2009, of 14 documents pursuant to Article 67(2) of the Statute to the Defence of Germain KATANGA and Mathieu NGUDJOLO CHUI. These documents, of which one document was redisclosed with fewer redactions, were disclosed pursuant to Decision ICC-01/04-01/07-1551.

Request for Confidentiality

Annexes A¹ and B² 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 4th of November 2009

At The Hague, The Netherlands

¹ List of Disclosed Material provided to the Defence of Germain Katanga on 3 November 2009.

² List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 3 November 2009.