

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-01/07**
Date: **17 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, B, C and D**

**Prosecution's Communication of eCourt Protocol Metadata to the Defence on
16 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

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") that, on 16 November 2009, the eCourt metadata of the incriminating, potentially exculpatory and Rule 77 documents mentioned in the Prosecution's filing of 27 April 2009¹ were issued to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, in compliance with the oral *ex parte* decision on redactions to metadata, delivered by the Chamber on 2 November 2009.²

Request for Confidentiality

Annexes A³, B⁴, C⁵ and D⁶ appended to this communication contain the lists 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 17th day of November 2009

At The Hague, The Netherlands

¹ ICC-01/04-01/07-1076.

² ICC-01/04-01/07-T-75-CONF-EXP-ENG ET 02-11-2009.

³ "List of material for which eCourt metadata is provided" issued to the Defence of Germain Katanga on 16 November 2009.

⁴ "List of documents for which redacted metadata is being provided" issued to the Defence of Germain Katanga on 16 November 2009.

⁵ "List of material for which eCourt metadata is provided" issued to the Defence of Mathieu Ngudjolo Chui on 16 November 2009.

⁶ "List of documents for which redacted metadata is being provided" issued to the Defence of Mathieu Ngudjolo Chui on 16 November 2009.