Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.: **ICC-01/04-01/07**
Date: **23 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 20 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 20 November 2009, the eCourt metadata of the potentially exculpatory and Rule 77 documents mentioned in the Prosecution's filing of 27 April 2009[1] were submitted 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] The Prosecution notes that, separate records of 170 redacted versions of potentially exculpatory and Rule 77 documents disclosed prior to 24 April 2009 were provided in this disclosure package, as per the provisions of the new eCourt protocol. The metadata for 1270 potentially exculpatory and Rule 77 documents disclosed prior to 24 April 2009 as per the new eCourt protocol, was also provided.

[1] ICC-01/04-01/07-1076.
[2] ICC-01/04-01/07-T-75-CONF-EXP ET 02-11-2009.

Request for Confidentiality

Annexes A[3], B[4], C[5] and D[6] 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 23rd day of November 2009

At The Hague, The Netherlands

[3] "List of documents which are being reissued according to the new eCP" issued to the Defence of Germain Katanga on 20 November 2009.
[4] "List of documents for which the missing metadata is being provided" issued to the Defence of Germain Katanga on 20 November 2009.
[5] "List of documents which are being reissued according to the new eCP" issued to the Defence of Mathieu Ngudjolo Chui on 20 November 2009.
[6] "List of documents for which the missing metadata is being provided" issued to the Defence of Mathieu Ngudjolo Chui on 20 November 2009.