



Original: **English**

No.: **ICC-01/04-01/07**

Date: **21 January 2010**

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 20 and 21 January 2010**

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 Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

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 ("the Chamber") of its disclosure, on 20 and 21 January 2010 respectively, to the Defence teams of Mathieu Ngudjolo Chui and Germain Katanga, of three documents as incriminatory evidence.

Two of the documents are the transcript and French translation of video DRC-OTP-1042-0006.¹ Decision ICC-01/04-01/07-1552 authorised the Prosecution to add to the List of Incriminating Evidence those parts of the transcript and translation that correspond to the passages of video DRC-OTP-1042-0006 which overlap with video DRC-OTP-0155-0004. The Chamber instructed the Prosecution to also communicate the transcript and translation in their entirety to the Defence pursuant to Rule 77, which the Prosecution did on 30 October 2009.² In order to comply with the provisions of the eCourt Protocol, the Prosecution re-disclosed the transcript and the translation, with only those portions to be added to the List of Evidence as authorized by the Chamber.

The third document is the statement of witness 219, disclosed pursuant to the Chamber's Decision ICC-01/04-01/07-1772.

¹ Transcript DRC-OTP-1046-0240; translation DRC-OTP-1047-0005.

² See Rule 77 package 53.

Request for Confidentiality

Annexes A³ and B⁴ 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 21st day of January 2010

At The Hague, The Netherlands

³ List of Disclosed Material provided to the Defence of Germain Katanga on 21 January 2010.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 20 January 2010.