



Original: **English**

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

Date: **21 April 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 21 April 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 21 April 2010, to the Defence teams of Mathieu Ngudjolo Chui and Germain Katanga, of one document as incriminatory evidence.

The document disclosed is the statement of Witness 267, which is being redisclosed with less redactions. The lifting of a limited number of redactions was requested by the Prosecution in order to harmonize redactions between the *Lubanga* and *Katanga/Ngudjolo* cases, and between the two interviews of Witness 267.¹ The Chamber authorized the lifting of the proposed redactions in an oral decision rendered on 20 April 2010.²

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 April 2010

At The Hague, The Netherlands

¹ See ICC-01/04-01/07-2030-Red

² See ICC-01/04-01/07-T-130-CONF-FRA ET 20-04-2010, pp. 1-2

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

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 21 April 2010.