



Original: **English**

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

Date: **5 May 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 5 May 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 5 May 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 317, which is being re-disclosed with fewer redactions in compliance with decision ICC-01/04-01/07-2055-Conf. As the redactions in DRC-OTP-1050-0037, the statement of witness 317 as disclosed to the Defence in INCRIM package 49, had been manually applied by the United Nations, it was not possible to lift any of the redactions through the Ringtail system. As a consequence, a new number had to be assigned to the statement re-disclosed in today's package. The new number is DRC-OTP-1055-0031, which still contains the redactions as manually applied by the United Nations with the exception of page 4 of the statement (DRC-OTP-1055-0034), where the redactions that had been manually applied by the UN have been replaced by redactions through the Ringtail system, allowing to lift, through the Ringtail system, the redaction on that page as ordered in decision ICC-01/04-01/07-2055-Conf.

Both versions of the statement of witness 317, DRC-OTP-1050-0037 and DRC-OTP-1055-0031 will be linked in eCourt through the function 'source attachment'. The title of DRC-OTP-1055-0031 will mention that it is a new version of DRC-OTP-1050-0037 with fewer redactions.

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 5th day of May 2010

At The Hague, The Netherlands

¹ List of Disclosed Material provided to the Defence of Germain Katanga on 5 May 2010.

² List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 5 May 2010.