



Original: English

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

Date: 19 August 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, B, C, D, E and F**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 19 August 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”) notifies Trial Chamber II of its disclosure, on 13 August 2010, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of fourteen documents and twelve video excerpts as incriminatory evidence.

The documents disclosed in INCRIM Package 60¹ and the five video excerpts disclosed in INCRIM Package 61² are all related to P-2 and referred to in decision ICC-01/04-01/07-2289-Conf. The documents are the highlighted versions of the first statement, the second statement and the annexes to the statement, as well as the transcripts of the videos and translations thereof. The green highlights mark the portions of those documents provisionally admitted into evidence pursuant to decision ICC-01/04-01/07-2289-Conf.

The seven video excerpts disclosed in INCRIM Package 62 were re-disclosed with better understandable voice distortion as compared to INCRIM Package 58 of 9 July 2010.

¹ The highlighted version of these documents had already been made available to the Defence in ICC-01/04-01/07-2296-Conf-AnxA to AnxN.

² These video excerpts had already been made available to the Defence in ICC-01/04-01/07-2196-Conf-AnxD.3.1, E.3.2, F.3.3, G.3.4 and G.3.5.

Request for Confidentiality

Annexes A³, B⁴, C⁵, D⁶, E⁷ and F⁸ 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 19th day of August 2010

At The Hague, The Netherlands

³ List of Disclosed Material provided to the Defence of Germain Katanga on 19 August 2010 – INCRIM Package 60.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 August 2010 – INCRIM Package 60.

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 19 August 2010 – INCRIM Package 61.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 August 2010 – INCRIM Package 61.

⁷ List of Disclosed Material provided to the Defence of Germain Katanga on 19 August 2010 – INCRIM Package 62.

⁸ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 August 2010 – INCRIM Package 62.