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

Date: 20 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 20 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") herewith notifies Trial Chamber II of its disclosure, on 20 August 2010, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of 8 documents and 43 video excerpts as incriminatory evidence.

The 8 documents are transcripts related to P-353. These transcripts were re-disclosed in accordance with Trial Chamber II's Decision ICC-01/04-01/07-1178-Conf-Exp.¹

The video excerpt from video DRC-OTP-1042-0006 in INCRIM Package 64 is re-disclosed with better understandable voice distortion, as compared to the distorted excerpts disclosed in INCRIM Package 50.

The forty-two video excerpts in INCRIM Package are all related to P-2.

¹ ICC-01/04-01/07-1178-Conf-Exp, confidential redacted version, 28 May 2009.

Request for Confidentiality

Annexes A², B³, C⁴, D⁵, E⁶ and F 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 20th day of August 2010

At The Hague, The Netherlands

² List of Disclosed Material provided to the Defence of Germain Katanga on 20 August 2010 – INCRIM Package 63.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 20 August 2010 – INCRIM Package 63.

⁴ List of Disclosed Material provided to the Defence of Germain Katanga on 20 August 2010 – INCRIM Package 64.

⁵ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 20 August 2010 – INCRIM Package 64.

⁶⁶ List of Disclosed Material provided to the Defence of Germain Katanga on 20 August 2010 – INCRIM Package 65.

List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 20 August 2010 – INCRIM Package 65.