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No.: ICC-01/04-01/07
Date: 2 September 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 2 September 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 2 September 2010, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of 10 video excerpts as incriminatory evidence.

The two video excerpts of DRC-OTP-0081-0004, excerpts 2 and 7, relate to P-2. These excerpts have been previously disclosed on 20 August 2010¹ and were re-disclosed with minor adjustments due to a technical inaccuracy, following Trial Chamber II's approval².

The remaining eight video excerpts, excerpt 15 of DRC-OTP-0155-0004³ and excerpts 16, 17, 18, 21, 22, 23 and 24 of DRC-OTP-1042-0006⁴ were played without sound in court during P-30's testimony. The video excerpts without sound were assigned EVDs and needed as such to be prepared for upload in eCourt.

¹ INCRIM Package 65.

² ICC-01/04-01/07-T-182-ENG RT, p. 28, line 7-p. 29, line 7.

³ Excerpt 15 of DRC-OTP-0155-0004 has been previously disclosed in INCRIM Package 58 on 9 July 2010 and in INCRIM Package 65 on 20 August 2010.

⁴ Excerpts 16, 17, 18, 21, 22, 23 and 24 of DRC-OTP-1042-0006 have been previously disclosed in INCRIM Package 58 on 9 July 2010, in INCRIM Package 62 on 19 August 2010 and in INCRIM Package 65 on 20 August 2010.

Request for Confidentiality

Annexes A⁵ and B⁶ 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 2nd day of September 2010

At The Hague, The Netherlands

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 2 September 2010.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 2 September 2010.