



Original: English

No.: ICC-01/04-01/07
Date: 24 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 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 Potentially Exonerating Evidence Disclosed to
the Defence on 24 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

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Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution") herewith submits its report regarding the disclosure, on 24 September 2010, of five documents pursuant to Article 67(2) of the Statute to the Defence of Germain Katanga and Mathieu Ngudjolo Chui. The five documents relate to the investigation into information recently received from Me Luvengika, including the witness statements and annexes of witnesses P-612 and P-613.

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 24th day of September 2010

At The Hague, The Netherlands

¹ List of Disclosed Material provided to the Defence of Germain Katanga on 24 September 2010.

² List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 24 September 2010.