



Original: **English**

No.: ICC-01/04-01/07
Date: **22 October 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 22 October 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 22 October 2010, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of 8 translations of previously disclosed transcripts related to P-353¹ as incriminatory evidence.

The Prosecution only realised earlier this week, following an email received from the Legal Representatives², that the French translations had not been disclosed with the original transcripts.

Request for Confidentiality

Annexes A³ and B⁴ 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 22nd day of October 2010

At The Hague, The Netherlands

¹ The English/ Swahili versions of these transcripts were disclosed in Trial INCR package 37 on 27 May 2009, in Trial INCR package 63 on 20 August 2010 and in Trial INCR package 67 on 25 August 2010.

² Email received on 20 October 2010 from the case manager of Me Luvengika.

³ List of Disclosed Material provided to the Defence of Germain Katanga on 22 October 2010.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 22 October 2010.