

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 February 2011

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***

Confidential

**Prosecution's provision of information in relation to ICC-01/04-01/07-2682-Conf-
AnxB**

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

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution") hereby informs Trial Chamber II ("Chamber"), the Parties and Participants that according to its analysis, the photograph submitted in ICC-01/04-01/07-2682-Conf-AnxB was not taken at Bogoro during the attack of 24 February 2003.

Confidentiality

1. The Prosecution submits this request as Confidential since it relates to information that is currently confidential.

Provision of information

2. On 2 February 2011, the Legal Representative of the common group of victims submitted its provisional list of evidence including a photograph allegedly taken during the 24 February Bogoro attack and showing the dead bodies of the family members of victim a/0363/09.¹
3. The Prosecution submits that the dead bodies depicted on the photograph can be seen on video DRC-OTP-0116-0002 which was filmed in the aftermath of the June 2003 attack on the village of Kasenyi. This video was disclosed on 29 January 2009 as incriminating evidence and is available to the Parties and Participants in eCourt.
4. The relevant footage of the June 2003 attack on Kasenyi can be seen from minutes 4.25 to 14.16. The same dead bodies shown in the photograph can be seen from minutes 6.05 to 6.20 and 9.53 to 10.06, as well as from 10.50 to 11.11.

¹ ICC-01/04-01/07-2682-Conf-AnxB.

5. On 4 February 2011, the Prosecution disclosed this information to the Legal Representative of the common group of victims. In the interest of fairness and expeditiousness, the Prosecution hereby formally provides the same information to the Chamber, the Parties and the Legal Representative of the child soldiers.



Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of February 2011

At The Hague, The Netherlands