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

Date: 17 July 2012

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

**Defence Application for Disclosure of Confidential Documents to Dutch Asylum
Lawyers Representing Pichou Iribi and Ndjabu Ngabu**

Source: Defence for Mr Germain Katanga

Document to be notified in accordance with regulation 31 of the *Regulations of the***Court to:****The Office of the Prosecutor**

Mr Luis Moreno Ocampo, Prosecutor
 Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence of Mr Katanga

Mr David Hooper, Q.C.
 Mr Andreas O'Shea

Counsel for 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

REGISTRY**Registrar**

Ms Silvana Arbia
 Mr Dubuisson
 Mr Pieter Vanaverbeke

Defence Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Section****Other**

Ghislain M. Mabanga
 Goran Sluiter
 Flip Schuller
 Marieke van Eik

Introduction

1. The Defence applies to the Chamber for leave to provide, or to have provided, to lawyers at the Bohler Law Firm - Ms. Marieke Van Eik, Mr. Flip Schuller and Mr. Goran Sluiter, representing Pichou Iribi and Ndjabu Ngabu in their asylum application in the Netherlands, the following confidential documents tendered as exhibits in the *Katanga & Ngudjolo* case:
 - EVD-OTP-00217
 - EVD-OTP-00228
 - EVD-OTP-00227
 - EVD-OTP-00228
 - EVD-OTP-00253
 - EVD-OTP-00233
 - EVD-OTP-00234

2. Upon the request of the lawyers named above, the defence has identified these confidential documents as potentially relevant to the asylum procedure of Pichou Iribi and Ndjabu Ngabu in the Netherlands. The asylum lawyers have to present their observations to the Dutch authorities by 23 July 2012. These documents may assist as they relate to the conduct of the asylum seekers in the period relevant to the asylum proceedings. Given the deadline this matter needs to be attended to urgently.

3. As the attached email exchange demonstrates, the asylum lawyers in question are prepared to provide undertakings to preserve the confidentiality of the documents, not to share them with others, nor to refer to them in any public document and only to provide them to the Netherlands' court on the understanding that they are, and remain, confidential documents. The annex is confidential because it contains personal emails.

Respectfully submitted,



David HOOPER, Q.C.
Lead Counsel for Germain Katanga

Dated this 17th July 2012

At London, United Kingdom