

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 27 May 2008

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, Single Judge**

**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 27 May 2008**

**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 Göran Sluiter

**Counsel for the Defence of Mathieu**

**Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila

Ms Maryse Alié

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

Ms Carine Bapita Buyangandu

Mr Joseph Keta

Mr J.L. Gilissen

**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**

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**Registrar**

**Defence Support Section**

Ms Silvana Arbia

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

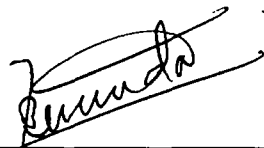
**Other**

The Office of the Prosecutor ("Prosecution") herewith notifies the Single Judge that on 27 May 2008 it disclosed to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI seventy-nine documents as incriminatory evidence pursuant to Article 61(3)(b) of the Statute and in compliance with the terms of the Single Judge's order contained in Decision ICC-01/04-01/07-511-Conf-Exp.

The Prosecution notes that it was unable to communicate to the Defence the disclosure material at the set deadline. For technical reasons due to the Ringtail evidence management database, the DVDs containing the 2 disclosure packages were only available at 4.06pm. Since 15h30, the Defence teams have been attending an Appeals Chamber hearing. The Prosecution provided all materials to the Defence at the conclusion of the Appeals Chamber hearing.

### **Request for Confidentiality**

Annexes A<sup>1</sup> and B<sup>2</sup> appended to this communication contain the "List of Disclosed Material" provided to each Defence team. The Prosecution requests that these annexes be received by the Single Judge as "Confidential" since they relate to *inter partes* disclosure.




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**Fatou Bensouda, Deputy Prosecutor**  
**on behalf of**  
**Luis Moreno-Ocampo, Prosecutor**

Dated this 27<sup>th</sup> day of May 2008

At The Hague, The Netherlands

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<sup>1</sup> List of Disclosed Material Provided to the Defence of Germain Katanga.

<sup>2</sup> List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui.