

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/07
Date: 14 November 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr. Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA***

Public

**Prosecution's Report on the Status of the Procedures Initiated under Articles
54(3)(e), 73 and 93 in Relation to Those Items Identified as of a Potentially
Exculpatory Nature under Article 67(2) of the Statute**

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
Mrs. Fatou Bensouda, Deputy Prosecutor
Mr. Éric MacDonald, Trial Lawyer

Duty Counsel for the Defence

Mr. Jean-Pierre Fofé

The Prosecution, in compliance with the “Decision Modifying the Calendar for the Disclosure of the Supporting Materials of the Prosecution Application for a Warrant of Arrest against Germain Katanga”¹, respectfully submits its report on the status of the procedures initiated under Articles 54(3)(e), 73 and 93 in relation to those items identified as of a potentially exculpatory nature under Article 67(2) of the Statute.

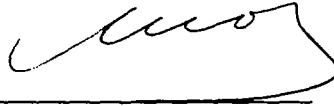
Status of the Procedures Initiated under Articles 54(3)(e), 73 and 93 of the Statute

1. The Prosecution has so far reviewed 1000 documents that were collected under the condition of confidentiality as set forth in Article 54(3)(e) of the Statute and that are considered to be relevant for the case of the *Prosecutor v. Germain KATANGA*.
2. The Prosecution has identified that, out of these 1000 documents collected, 164 documents are of a potentially exculpatory nature pursuant to Article 67(2) of the Statute.
3. Out of the 164 documents identified as potentially exculpatory, confidentiality has already been lifted for 10 of them. The lifting of confidentiality was refused for 6 documents. A request seeking the lifting of confidentiality of 27 documents belonging to this group has already been submitted² and the Prosecution is awaiting a decision from the provider regarding these. We are preparing a request for the remaining documents identified as of a potentially exculpatory nature that will be submitted shortly to the relevant providers.

¹ ICC-01/04-01/07-60 (public redacted version).

² The latest request for some of these 27 documents was submitted on 26 October 2007.

4. Finally, the Prosecution is reviewing on a continuous basis documents collected pursuant to Article 54(3)(e) to identify potentially exculpatory material. The Prosecution will continue to request the lifting of confidentiality when such documents are identified.



Luis Moreno Ocampo
Prosecutor

Dated this 14th day of November 2007

At The Hague, The Netherlands