

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/07
Date: 22 January 2008

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 Document
with Confidential Annex A**

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 21 January 2008**

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor
Mr. Éric MacDonald, Trial Lawyer
Mrs. Florence Darques-Lane, Legal
Adviser

Counsel for the Defence

Mr. David Hooper
Ms. Caroline Buisman

The Office of the Prosecutor ("Prosecution") herewith notifies the Single Judge that on 21 January 2008 the Prosecution re-disclosed to the Defence the electronic version of the statements of Witnesses 8 and 14 because in its initial disclosure of these statements on, 13 December 2007, it had misapplied the elected colour-coding in a few paragraphs.¹ On 21 January 2008, the Prosecution also disclosed the electronic version of six documents which were obtained by the Prosecution on the condition of confidentiality under Article 54 (3)(e) of the Statute and for which providers of such have now consented to their disclosure. All documents contained in the List of Disclosed Materials have been disclosed in unredacted form except for statements of Witnesses 8 and 14 for which redactions have been granted.²

Request for Confidentiality

The Prosecution appends as Annex A the "List of Disclosed Materials" disclosed to the Defence as incriminatory evidence on the 21 January 2008. The Prosecution requests that Annex A be received by the Single Judge as confidential since it relates to material already classified as confidential by the Single Judge.

Submission of Originals of Disclosed Evidence to the Registry

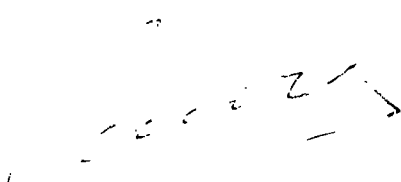
1. The Prosecution informs the Single Judge that the original statements of witnesses 8 and 14 will be disclosed to the Registry in an *ex parte* filing, according to the directions issued by the Single Judge at the hearing of 14 December 2007.³
2. Regarding the six documents contained in the List of Disclosed Materials, initially collected subject to Article 54(3)(e) restrictions, the Prosecution did

¹The Prosecution notified the Defence of this occurrence by e-mail on 9 January 2008.

² ICC-01/04-01/07-84-US-Exp.

³ ICC-01/04-01/07-T-12-ENG, p. 8, lines 18-25 and p. 9, lines 1-3, in which the Single Judge ordered that the originals of witness statements for which redactions have been authorized be filed *ex parte* following the *inter partes* disclosure.

not file the originals because: (i) three of these documents have already been submitted in their original form by the Prosecution to the Registry⁴ in the case of *The Prosecutor v. Thomas Lubanga Dyilo* and (ii) the other three documents were originally collected in electronic format on a CD which contains both disclosed and non-disclosed material.⁵



Luis Moreno-Ocampo
Prosecutor

Dated this 22nd day of January 2008
At The Hague, The Netherlands

⁴ The three documents which have already been filed in their original form with the Registry are: DRC-OTP-0004-0085, which was filed in Pre-Trial INCR package 25 on the 25 January 2007, DRC-OTP-0044-0333, which was filed in Pre-Confirmation INCR package 12 on the 12 August 2006 and DRC-OTP-0045-0020, which was filed in Pre Confirmation INCR Package 3 on the 23 May 2006 in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06.

⁵ The three documents collected in electronic format which cannot be disclosed are: DRC-OTP-0152-0256, DRC-OTP-0152-0274 and DRC-OTP-0152-0286.