



Original : English

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

Date: 20 March 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Single Judge

Registrar: Mr. Bruno Cathala

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 to O**

**Prosecution's Communication of the Disclosure to the Defence of Mathieu
Ngudjolo Chui of All Evidentiary Material Previously Disclosed to the Defence of
Germain KATANGA**

The Office of the Prosecutor

Mr. Luis Moreno-Ocampo, Prosecutor
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Mr. Jean-Pierre Kilenda Kakengi Basila
Ms. Aurélie G. Roche

1. The Office of the Prosecutor ("Prosecution") herewith notifies the Single Judge that on 19 March 2008 it provided to the Defence of Mathieu NGUDJOLO CHUI all the material disclosed to date to Mr. Germain KATANGA pursuant to articles 61(3)(b) and 67(2) of the Statute and Rule 77 of the Rules of Procedure and Evidence ("Rules"), in accordance with the order contained in the Decision Establishing a Calendar in the Case against Germain KATANGA and Mathieu NGUDJOLO CHUI of 10 March 2008.¹

2. In order to comply with its overall disclosure obligations, the Prosecution has disclosed to the Defence of Mathieu NGUDJOLO CHUI all the documents disclosed to Germain KATANGA thus far. The list of disclosed material therefore goes beyond the documents which have been disclosed in authorised redacted form pursuant to the terms of the First, Second and Third Decisions² on Redactions by also including documents requiring no redactions.

3. For ease of reference, the Prosecution disclosed to Mathieu NGUDJOLO all the documents in the same order and format as contained within the packages previously disclosed to Germain KATANGA. To date, a total of 15 packages have been disclosed to Germain KATANGA, as:
 - Incriminating evidence, comprising packages 1 to 6;
 - Potentially exculpatory evidence, comprising packages 1 and 2; and
 - Rule 77 documents, comprising packages 1 to 7.

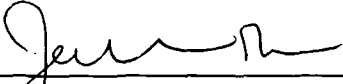
4. The materials contained in the above packages are detailed in the corresponding lists of disclosed material and are appended to this submission as Annexes A to O.

¹ ICC-01/04-01/07-259, page 11.

² ICC-01/04-01/07-84-US-Exp ("First Decision on Redactions"); ICC-01/04-01/07-94 ("Decision on Urgent Application for Confined Variation of the First Decision on Redactions"); ICC-01/04-01/07-124-Conf ("Second Decision on Redactions"); ICC-01/04-01/07-247-Conf-Exp-Corr ("Third Decision on Redactions").

Request for Confidentiality

The Prosecution requests that Annexes A to O appended to this communication be received by the Single Judge as "Confidential" since they relate to *inter partes* disclosure.



fwe Luis Moreno-Ocampo
Prosecutor

Dated this 20th day of March 2008
At The Hague, The Netherlands