

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: 9 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

**Fourth 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**

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

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**Unrepresented Applicants for
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Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution"), in compliance with the Single Judge's Decision Establishing a Calendar in the Case against Germain KATANGA and Mathieu NGUDJOLO CHUI of 10 March 2008,¹ respectfully submits its fourth Prosecution's report in the case of the *Prosecutor v. Germain KATANGA and Mathieu NGUDJOLO CHUI* on the status of the procedures initiated under Articles 54(3)(e), 73 and 93 of the Rome Statute of the International Criminal Court ("Statute") in relation to those items identified as of potentially exculpatory nature under Article 67(2) of the Statute ("Fourth Status Report").

Update on the Procedures Initiated under Article 54(3)(e), 73 and 93 of the Statute

1. By the time of this report, 140 documents have been identified as of potentially exculpatory nature or containing potentially exculpatory elements.²
2. The Prosecution is currently reviewing if the potentially exculpatory information contained in these 140 documents has already been disclosed or can be disclosed to the Defence in another form. Additionally, the OTP continues to request the lifting of confidentiality restrictions to the providers for the documents identified as containing potentially exculpatory elements.



Luis Moreno-Ocampo
Prosecutor

Dated this 9th day of May 2008

At The Hague, The Netherlands

¹ ICC-01/04-01/07-259, p. 12.

² In its Third Status Report (ICC-01/04-01/07-438), the Prosecution informed the Single Judge that 154 documents covered by Article 54(3)(e), had been identified as of potentially exculpatory nature or containing potentially exculpatory elements. Upon a further review of these documents, it appears that 14 documents within the group of 154 were duplicates, meaning different documents with the exact same content but with a different Evidence Registration Number ("ERN") or excerpts of a larger document with a different ERN.