

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 21 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 Annexes A and B**

**Prosecution's Communication of Potentially Exonerating Evidence Disclosed to  
the Defence on 21 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**

Mr Joseph Keta

Ms Carine Bapita Buyagandu

**Legal Representatives of Applicants**

**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**

**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

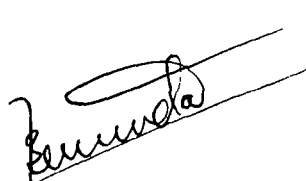
**Victims Participation and Reparations  
Section**

**Other**

The Office of the Prosecutor ("Prosecution") herewith submits its report on the potentially exonerating evidence disclosed to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI on 21 May 2008 pursuant to Article 67(2) of the Statute and in compliance with the terms of and the order of the Single Judge contained in ICC/01/04-01/07-411-Conf-Exp.

The two documents disclosed to the Defence are a document for which Article 54(3)(e) restrictions have been lifted and a summary of the evidence of a witness (271). The latter document was identified for disclosure as containing potentially exonerating evidence as a result of a further review of material conducted on 15 May 2008.

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.



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

Dated this 21<sup>st</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.