



Original: **English**

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

Date: **23 June 2008**

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI***

Public Document

Defence Notification of no Appeal

Source: Defence for Mr Germain Katanga

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence for Germain Katanga

Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence for Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of Victims

[1 name per team maximum]

Legal Representatives of Applicants

[1 name per team maximum]

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

[2 names maximum]

The Office of Public Counsel for the Defence

[2 names maximum]

States Representatives

Amicus Curiae

REGISTRY

Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 20 June 2008, the Single Judge issued her *Public Urgent Decision on Article 54(3)(e) Documents Identified as Potentially Exculpatory or Otherwise Material to the Defence's Preparation for the Confirmation Hearing*.¹ Having carefully reviewed the Single Judge's observations made in this Decision and given that the Single Judge only accepts that the disclosure of analogous information at this stage of the proceedings minimises the prejudice caused by non-disclosure of the Article 54(3)(e) Documents identified as exonerating materials (although it does not fully eliminate it)² for the purposes of confirmation (but not for trial),³ the Defence for Mr. Katanga ("the Defence") does not seek leave to appeal this carefully considered Decision.
2. In the event that the charges are confirmed, the Defence reserves the right to raise those issues matters again at a later stage before the Trial Chamber if not resolved significant time prior to the commencement of trial.

Respectfully submitted,



David HOOPER

Dated this 23rd June 2008

London

¹ ICC-01/04-01/07-621.

² ICC-01/04-01/07-621, para. 81.

³ ICC-01/04-01/07-621, paras. 77-86.