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

Date: **26 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

OPCD Additional Report on the Implementation of the 10 June 2008 Decision

Source: Office of Public Counsel for the Defence

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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Mr Eric MacDonald

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**Unrepresented Applicants for
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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Further Information Concerning the Implementation of the 10 June 2008 Order.

1. In accordance with the Single Judge's Order of 25 June 2008, the Office of Public Counsel for the Defence (OPCD) hereby informs the Honourable Pre-Trial Chamber that Ms. Caroline Baugas has been designated as the OPCD staff member, who is responsible for assisting the Defence team of Mr. Mathieu Ngudjolo.
2. In terms of the practical modalities relating to the implementation of this order, the OPCD advises the Honourable Single Judge of the following.
3. Firstly, the OPCD has informed the Ngudjolo Defence team that all requests for assistance during the confirmation hearing must be addressed solely to Ms. Baugas, and that Ms. Baugas is the sole staff member responsible for responding to such requests.
4. Secondly, Ms. Baugas has established a password protected folder, which only she can access. All information received and disseminated by Ms. Baugas will be saved in this folder.
5. Thirdly, in light of the fact that the working language of the Ngudjolo team is French, and they will thus presumably be working with the French version of the livenote, the OPCD has contacted the Information Technology section to arrange for training in this system, and for the relevant software to be installed in Ms. Baugas' computer. The OPCD was advised that due to the number of pending requests for this software, they will not be able to provide training at this point in time. Moreover, whilst they will endeavour to install the relevant software on her computer in the near future, they do not envisage that it would be possible to do so for the hearing of 27 June 2008.
6. Finally, as noted in the OPCD report dated 24 June 2008, the OPCD has been in communication with the Registry to ascertain what options will be available to view any public exhibits which are tendered by the Prosecution during the confirmation process. Whilst it is not possible to view the audio-visual broadcast (FTR) due to confidentiality concerns, the Registry has created an OPCD ringtail portal, in which some public exhibits have been uploaded.
7. In this regard, there are presently 44 public ringtail records, comprised exclusively of NGO, United Nations, and media reports, Security Council Resolutions, a judgment of the International Court of Justice, and photographs.

8. The OPCD has attempted to verify with the Office of the Prosecutor as to whether this constitutes the entirety of the collection of exhibits which will be tendered during public session, but has yet to receive a response.
9. The OPCD is also aware that during public Status Conferences, the Prosecution has referred to its intention to broadcast video extracts. These extracts are not presently contained within the ringtail collection.
10. The OPCD therefore respectfully seeks clarification as to whether, if the Prosecution does in fact decide to tender public exhibits other than those which have presently been disclosed, a mechanism will be put in place to upload the public versions of these exhibits before they are tendered in court. Absent such a mechanism, it will not be possible to effectively follow the proceedings from outside of the courtroom.



Xavier-Jean Keïta
Principal Counsel of OPCD

Dated this Thursday, 26 June 2008

At The Hague, The Netherlands