



Original: English

No.: ICC-01/04-01/07
Date: 19 September 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 Confidential Annexes A and B**

**Prosecution's Communication of Potentially Exonerating Evidence Disclosed to
the Defence on 18 September 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

Mr Jean-Louis Gilissen

Mr Hervé Diakiese

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Nsokoloni

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 the report for the fifteen potentially exonerating documents disclosed to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI on 18 September 2008 pursuant to Article 67(2) of the Statute. The disclosed documents are former 54(3)(e) documents for which lifting has recently been granted by the providers.

Request for Confidentiality

Annexes A¹ and B² appended to this communication contain the "List of Disclosed Material" provided to each Defence team. The Prosecution requests that these annexes be received by the Single Judge as "Confidential" since they relate to *inter partes* disclosure.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 19th day of September 2008

At The Hague, The Netherlands

¹ List of Disclosed Material provided to the Defence of Germain Katanga on 18 September 2008.

² List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 18 September 2008.