

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **18 June 2010**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

Public
**with Annexes A and B - Confidential, *ex parte*, only available to the Office of the
Prosecutor and the Defence**

**Prosecution's communication of information on intermediaries and witnesses
pursuant to Trial Chamber II's oral Order of 7 June 2010**

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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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 6 June 2010, Trial Chamber II (“Chamber”) rendered an oral decision on the disclosure of the identity of intermediary P-143 and ordered the Prosecution to submit *“a confidential document, spelling out the contacts that existed between the intermediaries, the contacts that existed between the intermediaries and the witnesses, and the contacts that existed between the witnesses themselves. The document should have details, among others, of the dates and places of those meetings as well as the names of the persons present, and that should be in compliance with the redaction measures actually in force.”*¹
2. On 7 June 2010, the Chamber requested that a first document in relation to the Trial Witnesses be submitted on 17 June 2010 and a second document be submitted for witnesses disclosed pursuant to Rule 77 or Article 67(2)², by 25 June 2010.³
3. On 17 June 2010, the Chamber granted the Prosecution an extension to file the document related to the Trial Witnesses by 18 June 2010, at noon.⁴

Confidentiality

4. The Prosecution requests that the Annexes appended to this submission be received as “Confidential, *ex parte*, only available to the Office of the Prosecutor and the Defence” since they contain confidential information not accessible to the public.

¹ ICC-01/04-01/07-T-150-CONF-ENG ET, 07-06-2010, p. 10, lines 7 to 16.

² Witnesses whose statements were disclosed pursuant to Rule 77 or Article 67(2) are referred to in this submission as exonerating witnesses.

³ ICC-01/04-01/07-T-151-CONF-ENG ET, 08-06-2010, p. 39, lines 12 to 23.

⁴ On 17 June 2010, the Prosecution requested this extension by way of an email to the Chamber. The same day the Chamber granted the extension.

Communication of known contacts involving intermediaries and witnesses

5. The Prosecution submits, in Annex A, a list of the contacts between the intermediaries and the Trial Witnesses and between Trial Witnesses themselves and/or exonerating witnesses where applicable. The list indicates, when the information is known: (i) the contacts between the intermediaries and the Trial Witnesses, and/or the contacts or relationship between the Trial Witnesses; and (ii) the location and the date of these contacts. Annex A also sometimes refers to the contacts between Trial Witnesses and exonerating witnesses. On 25 June 2010, a list of the names of all witnesses and their corresponding codes will be provided with the redactions to the identity of witnesses and intermediaries as ordered by the Chamber.
6. The Prosecution submits in Annex B, a list of the contacts among the intermediaries. This list also indicates, when the information is known: (i) the circumstances under which the intermediaries were in contact with each other; and (ii) the location and the date of these contacts.



Luis Moreno-Ocampo, Prosecutor

Dated this 18th day of June 2010

At The Hague, The Netherlands