

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **25 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, B and C - Confidential**

**Prosecution's second 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 Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

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Amicus Curiae

REGISTRY

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Defence Support Section

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 2010.⁴
4. On 18 June 2010, the Prosecution filed its submission in relation to the trial witnesses.⁵

Confidentiality

5. The Prosecution requests that the Annexes appended to this submission be received as “Confidential” 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.

⁵ ICC-01/04-01/07-2204 and Conf-Anxs.

Communication of known contacts involving intermediaries and witnesses

6. The Prosecution submits, in Annex A, a list of the contacts between the intermediaries and the exonerating witnesses and between the exonerating witnesses themselves.⁶ The list indicates, when the information is known: (i) the contacts between the intermediaries and the witnesses, and/or the contacts or relationship between the witnesses; and (ii) the persons present; and (iii) the location and the date of these contacts.
7. The Prosecution re-discloses, in Annex B, an updated list in relation to the trial witnesses. Annex B is updated with the information that came to light when reviewing contacts between trial witnesses and exonerating witnesses.⁷
8. The Prosecution discloses in Annex C, the list of the names of all disclosed witnesses and intermediaries with their corresponding codes (pseudonyms). The Prosecution redacted the identity of the witnesses and intermediaries as protected pursuant to different orders of the Chamber.



Luis Moreno-Ocampo, Prosecutor

Dated this 25th day of June 2010

At The Hague, The Netherlands

⁶ This list also includes contacts, if any, with deceased incriminating witnesses P-167 and P-258.

⁷ See updated information for Witnesses P-002, P-030, P-219, P-233, P-238, P-268, P-418 and P-419. Also the Prosecution would like to clarify that for exonerating witness P-158, the person that acted as the intermediary for witness 158 is the supposed relative of the witness.