



Original: English

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

Date: 2 July 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 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 2 July 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

Counsel for the Defence of Germain Katanga

Mr David Hooper

Mr Andreas O'Shea

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

The Office of the Prosecutor (“Prosecution”) herewith submits its report regarding the disclosure, on 2 July 2010, of one document pursuant to Article 67(2) of the Statute to the Defence of Germain Katanga and Mathieu Ngudjolo Chui. This document is the statement of P-102. The Prosecution only realised recently that the statement of this witness had not been disclosed¹ most likely due to the fact that the witness is known under two names. The Prosecution however notes that a summary of the said statement, containing the Article 67(2) information, has already been disclosed in PEXO package 6,² as was an Investigator’s Note related to this witness – in PEXO package 27.³ The redactions applied to the disclosed document have been authorised in Decisions ICC-01/04-01/07-1145 and ICC-01/04-01/07-1551.

Request for Confidentiality

Annexes A⁴ and B⁵ appended to this communication contain the “List of Disclosed Material” provided to each Defence team. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Luis Moreno-Ocampo, Prosecutor

Dated this 2nd day of July 2010

At The Hague, The Netherlands

¹ The Prosecution noticed when preparing the list of contacts between its witnesses (see ICC-01/04-01/07-2214), that although redactions to the statement had been granted by the Chamber, the statement itself had not been disclosed.

² See DRC-OTP-1019-0208.

³ See DRC-OTP-0150-0017.

⁴ List of Disclosed Material provided to the Defence of Germain Katanga on 2 July 2010.

⁵ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 2 July 2010.