

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07
Date: 6 February 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Fumiko Saiga

**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 Pre-Inspection Report for Material Provided to
the Defence under Rule 77 on 5 February 2009**

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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Katanga**

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Mr Göran Sluiter

**Counsel for the Defence of Mathieu
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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

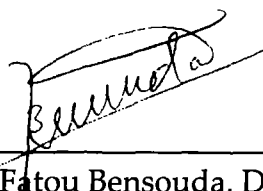
**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution") herewith submits the pre-inspection report regarding the disclosure on 5 February 2009 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of three documents. One of these documents was disclosed with redactions authorised by the Trial Chamber in its oral decision rendered on 3rd February 2009¹.

Request for Confidentiality

Annexes A² and B³ 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.



Fatou Bensouda, Deputy Prosecutor

Dated this 6th day of February 2009

At The Hague, The Netherlands

¹ Please see 02/03/09 ICC-01/04-01/07-T-56-ENG, lines 15:5–15:9.

² List of Disclosed Material provided to the Defence of Germain Katanga on 5 February 2009.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 5 February 2009.