

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 April 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 8 April 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

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
Ms Maryse Alié

Legal Representatives of Victims

Legal Representatives of Applicants

Ms Carine Bapita Buyangandu
Mr Hervé Diakiese
Mr Vincent Lurquin
Mr Jean Chrysostome Mulamba
Nsokoloni
Ms Flora Mbuyu Anjelani
Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen
Mr Joseph Keta

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

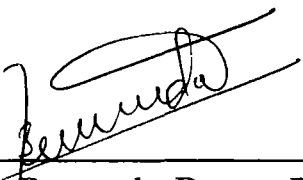
Victims Participation and Reparations Section

Other

The Office of the Prosecutor ("Prosecution") herewith submits the pre-inspection report regarding the disclosure, on 8 April 2009, of twenty-one documents pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI. Nineteen of these documents were disclosed pursuant to the *ex parte* hearing held on 16 March 2009 and with the same redactions as authorised by Trial Chamber I in compliance with Regulation 42.¹ The disclosure package also included 2 videos containing image and voice distortions authorised by Trial Chamber II in its Decision ICC-01/04-01/07-989².

Request for Confidentiality

Annexes A³ and B⁴ 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
on behalf of
Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of April 2009

At The Hague, The Netherlands

¹ On 13 March 2009, Trial-Chamber I authorised disclosure of the statement of W-0021 (see ICC-01/04-01/06-T-147-CONF-EXP-ENG ET 13-03-2009 1-13 NB T, p. 10, line 16 onwards).

² ICC-01/04-01/07-989, Décision relative à la demande de mesures de protection présentée par le Procureur en vertu de l'article 54-3-f du Statut et de la règle 81-4 du Règlement.

³ List of Disclosed Material provided to the Defence of Germain Katanga on 8 April 2009.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 8 April 2009.