



Original: **English**

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

Date: **9 October 2009**

**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 Pre-Inspection Report for Material Provided to  
the Defence under Rule 77 on 9 October 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  
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**

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**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") submits the pre-inspection report, pursuant to Rule 77 of the Rules of Procedure and Evidence, regarding the disclosure to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI of nine documents, on 9 October 2009. Three documents are related to witness P-267 and are disclosed pursuant to decision ICC-01/04-01/07-1483-Conf-Exp-Red, as well as the order of the Chamber rendered during the closed session hearing held on 24 September 2009.<sup>1</sup> The remaining documents relate to three witnesses and are being re-disclosed either in un-redacted form or with less redactions, pursuant to the order of the Chamber rendered during the closed hearing held on 24 September 2009.

### **Request for Confidentiality**

Annexes A<sup>2</sup> and B<sup>3</sup> 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.




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Luis Moreno-Ocampo, Prosecutor

Dated this 9<sup>th</sup> of October 2009

At The Hague, The Netherlands

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<sup>1</sup> ICC-01/04-01/07-T-69-CONF-EXP-FRA ET 24-09-2009

<sup>2</sup> List of Disclosed Material provided to the Defence of Germain Katanga on 9 October 2009.

<sup>3</sup> List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 9 October 2009.