



Original: **English**

No.: ICC-01/04-01/07
Date: 4 November 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 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 3 November 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 Victims

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

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 3 November 2009 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of 30 documents. These documents were disclosed pursuant to Trial Chamber II's Decisions ICC-01/04-01/07-1515, ICC-01/04-01/07-1551-Conf-Exp and ICC-01/04-01/07-T-69-CONF-EXP-FRA.

The Prosecution also provided the Defence with a CD containing the transcripts of the testimony of witnesses 2, 12, 30 and 157 in the Lubanga case following Trial Chamber II's Decision ICC-01/04-01/07-1516-Conf-Exp.¹

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.



Luis Moreno-Ocampo, Prosecutor

Dated this 4th day of November 2009

At The Hague, The Netherlands

¹ In an e-mail from the Legal Adviser of the Trial Division, dated 21 October 2009, Trial Chamber I authorised the Prosecution to disclose the relevant transcripts to the Defence teams in the case of the *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, given the decision of Trial Chamber II (ICC-01/04-01/07-1516-Conf-Exp).

² List of Disclosed Material provided to the Defence of Germain Katanga on 3 November 2009.

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