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

Date: 8 January 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 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 7 January 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 Victims

Mr Fidel Nsita Luvengika
Mr Jean-Louis Gilissen

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 provision, on 7 January 2010, pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain Katanga and Mathieu Ngudjolo, of electronic courtesy copies of the exhibits associated with the testimony of P-2, P-30 and P-157 from the *Lubanga* case.¹

Considering the difficulties encountered by the Court Management Section in transferring these exhibits from the *Lubanga* e-court database to the *Katanga and Ngudjolo* e-court, a courtesy CD containing the relevant documents was provided.

Request for Confidentiality

Annexes A² and B³ appended to this communication contain the lists of the confidential *Lubanga* e-court exhibits provided by way of electronic courtesy copies 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 8th day of January 2010

At The Hague, The Netherlands

¹ The disclosure of these exhibits to the Defence teams in the present case has been ordered by Trial Chamber II in Decision ICC-01/04-01/07-1741-Conf-Exp, 24 December 2009. Please note that exhibit DRC-ICC-0001-0030 (EVD-OTP-00414) was added to the electronic courtesy copies, as this exhibit was also presented during the testimony of P-2 in the *Lubanga* case. The exhibit was disclosed on the condition that it may only be used in private session, as was the case during the *Lubanga* proceedings.

² List of "Confidential DRC1 e-court exhibits provided by way of electronic courtesy copies" to the Defence of Germain Katanga on 7 January 2010.

³ List of "Confidential DRC1 e-court exhibits provided by way of electronic courtesy copies" to the Defence of Mathieu Ngudjolo Chui on 7 January 2010.