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

Date: 4 February 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 4 February 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 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") submits the pre-inspection report regarding the disclosure to the Defence teams of Mathieu Ngudjolo Chui and Germain Katanga of two documents pursuant to Rule 77 of the Rules of Procedure and Evidence, on 4 February 2010.

One of the documents is the demobilisation card of P-250 (DRC-OTP-1016-0096), which contains a redaction. The other document is Annex 3 to the statement of P-323 (DRC-OTP-1022-0059). Both documents are disclosed in accordance with Trial Chamber II's oral decision rendered on 26 January 2010.¹

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 February 2010

At The Hague, The Netherlands

¹ For DRC-OTP-1016-0096, see ICC-01/04-01/07-T-90-ENG ET, p. 4, line 1-p. 5, line 9 and for DRC-OTP-1022-0059, see ICC-01/04-01/07-T-90-ENG ET, p. 5, lines 10-25. Immediately after Trial Chamber II's oral decision, both documents were disclosed to both Defence teams in hard copy format on 26 January 2010. On 4 February 2010 both documents have been disclosed in accordance with the eCourt protocol.

² List of Disclosed Material provided to the Defence of Germain Katanga on 4 February 2010.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 4 February 2010.