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

Date: **23 March 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 23 March 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 Germain Katanga and Mathieu Ngudjolo Chui of twenty-eight pictures and one document pursuant to Rule 77 of the Rules of Procedure and Evidence ("Rule 77"), on 23 March 2010.

Disclosure of new material

1. The Prosecution disclosed, based on the new, simplified procedure set out by the Chamber regarding the disclosure of Rule 77 and potentially exonerating material,¹ twenty-nine documents that relate to Witness 363. These materials were disclosed following the request of the Defence team of Germain Katanga to be provided with all the documents related to Witness 363.² These documents do not require redactions.
2. There are 28 pictures that Witness 363 provided to the Prosecution and one annex to P-363's statement. These materials were not previously disclosed because the Prosecution was of the opinion that they do not fall under Rule 77 in the present case.

¹ ICC-01/04-01/07-T-105-CONF-FRA ET, 22 February 2010, p. 3, lines 16-25 and p. 4, lines 1-4.

² Email received by the Office of the Prosecutor on 19 March 2010 at 3:11 p.m.

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.



Luis Moreno-Ocampo, Prosecutor

Dated this 23rd day of March 2010

At The Hague, The Netherlands

³ List of Disclosed Material provided to the Defence of Germain Katanga on 23 March 2010.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 23 March 2010.