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

Date: **19 April 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 19 April 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, on 19 April 2010, of five documents pursuant to Rule 77 of the Rules of Procedure and Evidence ("Rule 77"). The Prosecution also provided the Defence with the redacted transcripts of the evidence of witnesses DRC-OTP-WWWW-0007, DRC-D01-WWWW-0025 and V02-0001 and V02-0002 given in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.

Disclosure of new material

1. The package disclosed by the Prosecution contains two Swahili translations of documents related to Witness 219. The Chamber authorized, in an email dated 19 January 2010, the disclosure of translations of documents related to prosecution witnesses who will be testifying before this Court. The Swahili translations do not contain any redactions. The remaining three documents are interview transcripts of Witness 7. Several transcripts of the same interview with Witness 7 have already been disclosed in Rule 77 package 54¹. The additional transcripts being disclosed today were inadvertently overlooked on that occasion.

Redacted transcripts of witness testimonies

2. In response to the urgent Defence requests for the disclosure of Lubanga transcripts ² of certain witnesses, the Prosecution disclosed the redacted transcripts of the evidence of witnesses DRC-OTP-WWWW-0007, DRC-D01-WWWW-0025, V02-0001 and V02-0002. The disclosure of these transcripts with

¹ On 3 November 2009.

² See ICC-01/04-01/07-2361-Conf-Exp and ICC-01/04-01/07-2381-Conf-Exp

temporary redactions was authorized by Trial Chamber I by email on 15 April 2010.³

Request for Confidentiality

Annexes A⁴ and B⁵ 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 19th day of April 2010

At The Hague, The Netherlands

³ Order of the Chamber sent by email on 15 April 2010, at 17:41 and 18:00.

⁴ List of Disclosed Material provided to the Defence of Germain Katanga on 19 April 2010.

⁵ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 19 April 2010.