

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: **English**

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

Date: **29 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 29 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**

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**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”) hereby submits the pre-inspection report regarding the disclosure to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui of three documents pursuant to Rule 77 of the Rules of Procedure and Evidence (“Rule 77”), on 29 April 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,<sup>1</sup> one investigator’s note related to witnesses P-132. This note was drafted in response to an email sent by the Defence team of Germain Katanga on 26 April 2010<sup>2</sup> requesting additional information concerning a telephone conversation with the witness.
2. The second document was disclosed pursuant to the decision of the Chamber *Décision sur la requête aux fins de communication du document DRC-OTP-0020-0003*<sup>3</sup>.
3. The third document was disclosed following the granting of protective measures by the Chamber in its *Decision on the protection of the neutral and impartial status of information providers*.<sup>4</sup>

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

<sup>2</sup> Email sent at 18:19, titled “*RE: Urgent Request of disclosure of material relative to W-132*”.

<sup>3</sup> ICC-01/04-01/07-2052-Conf-Exp.

<sup>4</sup> ICC-01/04-01/07-2055-Conf-Exp.

### Request for confidentiality

Annexes A<sup>5</sup> and B<sup>6</sup> 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.



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Luis Moreno-Ocampo, Prosecutor

Dated this 29<sup>th</sup> day of April 2010

At The Hague, The Netherlands

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<sup>5</sup> List of Disclosed Material provided to the Defence of Germain Katanga on 29 April 2010.

<sup>6</sup> List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 29 April 2010.