Cour
Pénale
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Court

Original: **English**

No.: **ICC-01/04-01/07**
Date: **1 June 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 1 June 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 2 documents pursuant to Rule 77 of the Rules of Procedure and Evidence ("Rule 77"), on 1 June 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] two documents which are the transcript and translation for an excerpt of video DRC-OTP0-0155-0004.

2. Whilst these additional excerpts are not "relevant to the evidence" per se and the Prosecution does not rely on these additional portions, the additional transcriptions are in keeping with the full transcriptions provided for other videos. The Prosecution only recently discovered that these additional excerpts had audio sound that could be transcribed.

[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.

**Request for confidentiality**

Annexes A[2] and B[3] 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 1st day of June 2010

At The Hague, The Netherlands

[2] List of Disclosed Material provided to the Defence of Germain Katanga on 1 June 2010.
[3] List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 1 June 2010.