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

Date: 4 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 4 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 19 documents pursuant to Rule 77 of the Rules of Procedure and Evidence (“Rule 77”), on 4 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 19 documents.
2. Two of those documents are the transcript and translation for excerpts of video DRC-OTP-0083-0002, related to P-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.
3. Sixteen documents are annexes to P-2’s witness statement comprising commentaries to videos. These documents were not previously disclosed as they were separately registered from the witness statement and those videos to which these commentaries relate that were not disclosed do not have any exculpatory value and are not material to the Defence pursuant to Rule 77.
4. One document is an investigator’s note of a telephone conversation with P-2.

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 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 June 2010

At The Hague, The Netherlands

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

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