



Original: **English**

No.: ICC-01/04-01/07
Date: **24 September 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 24 September 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 Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

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”) herewith submits the pre-inspection report regarding the provision on 24 September 2010 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain KATANGA and Mathieu NGUDJOLO CHUI, of four documents.

The Prosecution discloses one audio recording of P-219’s interview and a witness statement of P-219, pursuant to Trial Chamber II’s Decision ICC-01/04-01/07-2400-Conf-Exp of 22 September 2010. An additional document, an investigator’s report, relates to the investigation into information recently received from Me Luvengika.

The Prosecution also discloses one transcript of interview of P-219 following a request from the Defence team of Germain Katanga¹. This document is disclosed in a redacted form in accordance with the new, simplified procedure set out by the Chamber regarding the disclosure of Rule 77 and potentially exonerating material.² Part of the transcript relates to the security assessment of witness P-219. Redactions are therefore applied to the information associated to his security or protective measures.

Request for Confidentiality

Annexes A³ and B⁴ appended to this communication contain the “List of Disclosed Material” to each Defence team. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.

¹ Received by email on 7 September 2010 at 17:32.

² ICC-01/04-01/07-T-105-CONF-FRA ET, 22 February 2010, p. 3, lines 16-25 and p. 4, lines 1-4.

³ List of Disclosed Material provided to the Defence of Germain Katanga on 24 September 2010.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 24 September 2010.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 24th day of September 2010

At The Hague, The Netherlands