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

Date: **7 October 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 7 October 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 7 October 2010 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of thirty-three documents. The Prosecution disclosed 32 documents related to P-12 pursuant to the request of the Defence teams.¹ These documents had not been previously disclosed, because the Prosecution deemed them as being irrelevant to the present case. The remaining document disclosed is an Investigator's note related to the recent investigations associated with P-159.

Request for Confidentiality

Annexes A² and B³ 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.



Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of October 2010

At The Hague, The Netherlands

¹ The disclosure of two of these documents was requested by the Defence team of Mathieu Ngudjolo by e-mail sent on 5 October 2010. The two requested documents were provided to both Defence teams by e-mail on 5 October 2010. The disclosure of the remaining 30 documents obtained from P-12 was requested by the Defence team of Germain Katanga via e-mail also on 5 October 2010. Those 30 documents were provided to both Defence teams on a CD on 6 October 2010.

² List of Disclosed Material provided to the Defence of Germain Katanga on 7 October 2010.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 7 October 2010.