



Original: **English**

No.: ICC-01/04-01/07
Date: 5 November 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 5 November 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 of thirty-eight documents, on 5 November 2010 and pursuant to Rule 77 of the Rules of Procedure and Evidence, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui.

Four of these documents are related to P-316 and are being disclosed pursuant to the request of Germain Katanga's Defence team.¹ These documents are being disclosed with the same redactions as applied in the *Prosecutor v. Thomas Lubanga Dyilo* case ("*Lubanga* case").

Document DRC-OTP-0233-0179 is related to P-28 and has already been informally provided to the Defence on 1 November 2010 via e-mail.² It is also being disclosed with the redactions applied in the *Lubanga* case.

The remaining documents are related to P-362, P-538 and P-551 and are being disclosed as a result of OTP's recent investigations. They include audio recordings.

¹ Email by the Defence team of Germain Katanga sent on 3 November 2010, at 19:00.

² See e-mail sent by Eric Macdonald on 1 November 2010 at 19:32.

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.



Luis Moreno-Ocampo, Prosecutor

Dated this 5th day of November 2010

At The Hague, The Netherlands

³ List of Disclosed Material provided to the Defence of Germain Katanga on 5 November 2010.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 5 November 2010.