



Original: **English**

No.: ICC-01/04-01/07
Date: 10 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 10 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 on 10 November 2010 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of nineteen documents.

Thirteen of these documents are related to P-183 and include the statement and audio recordings of the interviews the OTP held with this intermediary during its most recent investigations.

DRC-OTP-1059-0060, related to P-28, was disclosed in accordance with the Chamber's oral decision¹ in unredacted form.²

In light of the disclosure of the statement of P-183 and the oral decision of the Chamber to lift redactions to the notes of the meeting that took place between P-28, his counsel, the VWU and the OTP³, the Prosecution also disclosed four Investigator's reports, which were informally provided to the Defence on 9 November 2010 via e-mail.⁴

The statement of P-603 was also disclosed in this package.

¹ ICC-01/04-01/07-T-215-CONF-ENG ET, 08-11-2010, pp. 3-5.

² The lifting of all redactions was authorised by the Trial Chamber in an e-mail exchange that took place between the OTP and the Chamber on 10 November 2010.

³ DRC-OTP-1059-0060.

⁴ See e-mail sent by Eric MacDonald on 9 November 2010 at 18:57.

Request for Confidentiality

Annexes A⁵ and B⁶ 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 10th day of November 2010

At The Hague, The Netherlands

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 10 November 2010.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 10 November 2010.