

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-01/07**
Date: **3 December 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 2 December 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 2 December 2010 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of eight documents.

Four of these documents were previously disclosed: two documents were disclosed on 24 November 2010¹ and two other documents (DRC-OTP-0216-0300 and DRC-OTP-0233-0525) on 29 November 2010.² These two last documents were disclosed pursuant to Trial Chamber I's³ and Trial Chamber II's decisions rendered on 29 November 2010.⁴ The document DRC-OTP-0233-0525 is being disclosed with fewer redactions following the lifting of some of the redactions in the *Prosecutor v. Thomas Lubanga Dyilo* case.

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 3rd day of December 2010
At The Hague, The Netherlands

¹ Pdf versions of DRC-OTP-0234-0194 and DRC-OTP-0234-0212 were sent by email to the Defence teams on 24 November 2010, at 17:44 and 17:47 respectively.

² "Provision of the English redacted transcripts of the testimony of witnesses DRC-OTP-WWWW-0582 and DRC-OTP-WWWW-0583 in the Lubanga case and of 2 documents in relation to the redacted relevant parts of the testimony of DRC-OTP-WWWW-0582" on a CD on 29 November 2010

³ ICC-01/04-01/06-T-337-CONF-ENG ET, p. 40, line 21-p. 41, line 8.

⁴ ICC-01/04-01/07-T-224-CONF-ENG ET, p. 1, line 17-p. 2, line 19.

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 2 December 2010.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 2 December 2010.