



Original: **English**

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

Date: 11 January 2011

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 11 January 2011**

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 11 January 2011 pursuant to Rule 77 of the Rules of Procedure and Evidence to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, of nine documents including one audio-recording.

The Prosecution disclosed one audio recording, a report and six photographs related to Witness P-101's statement following a request from the Defence team of Mathieu Ngudjolo Chui¹, as well as one United Nations document related to P-317.²

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 11th day of January 2011

At The Hague, The Netherlands

¹ Received by email on 6 January 2011 at 17:12.

² On 10 December 2010, the United Nations ("UN") informed the OTP they had not found any of the documents requested by the Defence team of Mr. Ngudjolo (see transcript ICC-01/04-01/07-T-228-ENG, p. 1 and 2, for the Defence's oral request). Nevertheless, the UN continued their searches and found one document that could, pursuant to the OTP's review, be relevant pursuant to Rule 77.

³ List of Disclosed Material provided to the Defence of Germain Katanga on 11 January 2011.

⁴ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 11 January 2011.