

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **11 March 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 March 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 March 2011, pursuant to Rule 77 of the Rules of Procedure and Evidence, to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui of twenty-one documents.

The Prosecution disclosed twenty-one documents related to four Defence witnesses.¹ Two documents² were disclosed in a redacted form in accordance with the new, simplified procedure set out by the Chamber regarding the disclosure of Rule 77 and potentially exonerating material.³ The Prosecution also provided the audio recordings of the interview of Witness P-575 (DRC-D02-P-0134). His statement DRC-OTP-1057-0045 was disclosed on 25 October 2010.⁴

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 11th day of March 2011

At The Hague, The Netherlands

¹ DRC-D02-P-0134, DRC-D02-P-0214, DRC-D02-P-0236 and DRC-D02-P-0350.

² DRC-OTP-0094-0433 and DRC-OTP-0165-0483.

³ ICC-01/04-01/07-T-105-CONF-FRA ET, 22 February 2010, p. 3, lines 16-25 and p. 4, lines 1-4.

⁴ DRC-OTP-1057-0045 was disclosed in Rule 77 package 86 on 25 October 2010.

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 11 March 2011.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 11 March 2011.