

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 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 23 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 of thirteen documents to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, pursuant to Rule 77 of the Rules of Procedure and Evidence, on 23 March 2011.

The Prosecution disclosed thirteen documents related to eight Defence witnesses¹ currently on the lists of Defence witnesses. Five documents are Article 54(3)(e) documents for which restrictions were lifted on 17 and 18 March respectively.² One document³ is 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.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 23rd day of March 2011

At The Hague, The Netherlands

¹ DRC-D02-P-0047, DRC-D02-P-0136, DRC-D02-P-0147, DRC-D02-P-0228, DRC-D02-P-0236, DRC-D02-P-0300, DRC-D02-P-0350 and DRC-D03-P-0707.

² The restrictions for DRC-OTP-0005-0090, DRC-OTP-0018-0150, DRC-OTP-0030-0666 and DRC-OTP-0152-1532 were lifted on 17 March 2011. The restrictions for DRC-OTP-0065-0011 were lifted on 18 March 2011.

³ DRC-OTP-1061-0206.

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

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 23 March 2011.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 23 March 2011.