

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **1 April 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 1 April 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 twenty-nine documents to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, pursuant to Rule 77 of the Rules of Procedure and Evidence, on 1 April 2011.

The package contains amongst others fourteen transcripts related to Chef Kahwa (P-67) that were disclosed to the Defence on 29 March 2011.¹ It also comprises seven documents that were received from the DRC authorities very recently and relate to the detention of Defence witnesses D-228 and D-350. Another seven documents are open source press articles, including a press release. Finally, one document is an investigator's report that is relevant to Defence witness D-47.

¹ On 16 April 2009, the Prosecution disclosed one transcript of the interview of P-67 in R77 package 41. On 29 March 2011, the Prosecution realized that his remaining transcripts had not been disclosed and immediately provided a courtesy copy of those interview transcripts to the defence, including a 9 page summary of the interview and also a document containing pasted information from the more relevant transcripts in relation to the factual themes of the Defence.

Request for Confidentiality

Annexes A² and B³ 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 1st day of April 2011

At The Hague, The Netherlands

² List of Disclosed Material provided to the Defence of Germain Katanga on 1 April 2011.

³ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 1 April 2011.