

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 May 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 4 May 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 ten documents to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, pursuant to Rule 77 of the Rules of Procedure and Evidence, on 4 May 2011.

The Prosecution disclosed two investigator’s reports: DRC-OTP-1062-0092, related to Witness DRC-D02-P-0350, of which a courtesy copy was sent to the Defence on 20 April 2011 and DRC-OTP-1062-0395, of which a courtesy copy was sent to the Defence on 3 May 2011.

The Prosecution also disclosed two audio recordings¹ and the investigator interview notes² of an interview of P-0273 in relation to intermediary P-0316.

The package further contained a press article³ and four lists related to DRC-D02-P-0176⁴. DRC-OTP-0195-0415 and DRC-OTP-0195-0445 were sent to the Defence by e-mail on 20 April 2011 and DRC-OTP-1062-0387 was sent by e-mail on 2 May 2011. DRC-OTP-1062-0398 is a less redacted version of DRC-OTP-1041-0255, which was disclosed to the Defence in Rule 77 package 86 on 25 October 2010. On 3 December 2010, the Prosecution disclosed by e-mail the unredacted version of page DRC-OTP-1041-0262, namely DRC-OTP-1015-0765 (page 8 of DRC-OTP-1015-0758), after the UN had lifted redactions to this page earlier the same day. For clarity’s sake the OTP now re-discloses the complete 14-page document with fewer redactions. This document has a new ERN (DRC-OTP-1062-0398).

¹ DRC-OTP-1045-0009 and DRC-OTP-1045-0010.

² DRC-OTP-1057-0066.

³ DRC-OTP-1062-0391.

⁴ DRC-OTP-0195-0415, DRC-OTP-0195-0445, DRC-OTP-1062-0387 and DRC-OTP-1062-0398.

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 4th day of May 2011

At The Hague, The Netherlands

⁵ List of Disclosed Material provided to the Defence of Germain Katanga on 4 May 2011.

⁶ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 4 May 2011.