

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: **16 June 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 16 June 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 forty-one documents to the Defence teams of Germain Katanga and Mathieu Ngudjolo Chui, pursuant to Rule 77 of the Rules of Procedure and Evidence, on 16 June 2011.

The Prosecution disclosed forty-one documents, of which one is related to DRC-D02-P-0147¹, one to DRC-D02-P-0196², eight are related to DRC-D02-P-0258³, twenty-six to DRC-D03-P-0022⁴, one is related to DRC-D03-P-0088⁵, one to DRC-D03-P-0099⁶, one to DRC-D03-P-0100⁷ and one to DRC-D03-P-0480⁸.

Today’s package contains amongst others ten documents which have previously been disclosed to the Defence. DRC-OTP-1060-0102, DRC-OTP-1060-0139 and DRC-OTP-1060-0176, the interview transcripts of witness DRC-OTP-P-0640, were disclosed to the Defence in redacted form in ICC-01/04-01/07-2626-Conf-AnxA on 13 December 2010. They are now disclosed in Ringtail compatible format with the same redactions applied to them. DRC-OTP-1060-0358, DRC-OTP-1060-0359, DRC-OTP-1060-0360, DRC-OTP-1060-0361 and DRC-OTP-1060-0362, five pictures of the house of witness DRC-OTP-P-0640, were disclosed to the Defence in ICC-01/04-01/07-2626-Conf-AnxC on 13 December 2010. DRC-OTP-1060-0352, a report related to witness DRC-OTP-P-0640, was disclosed to the Defence in redacted form in ICC-01/04-01/07-2531-Conf-AnxA on 12 November 2010. The version of DRC-OTP-1060-0352 contained in this package has

¹ DRC-OTP-1062-0413. This investigator’s report was disclosed via e-mail on 16 May 2011.

² DRC-OTP-1062-0423.

³ DRC-OTP-0094-0208, DRC-OTP-0094-0260, DRC-OTP-0197-0172, DRC-OTP-0197-0173, DRC-OTP-0197-0389, DRC-OTP-1060-0102, DRC-OTP-1060-0139 and DRC-OTP-1060-0176.

⁴ DRC-OTP-0089-0075, DRC-OTP-0089-0090, DRC-OTP-0091-0019, DRC-OTP-0091-0333, DRC-OTP-0091-0504, DRC-OTP-0091-0879, DRC-OTP-0092-0255, DRC-OTP-0093-0330, DRC-OTP-0093-0688, DRC-OTP-0093-0695, DRC-OTP-0093-0704, DRC-OTP-0094-0208, DRC-OTP-0094-0260, DRC-OTP-0101-0007, DRC-OTP-0101-0008, DRC-OTP-0101-0014, DRC-OTP-0101-0025, DRC-OTP-0113-0117, DRC-OTP-0113-0118, DRC-OTP-0113-0121, DRC-OTP-0113-0122, DRC-OTP-0113-0143, DRC-OTP-0122-0037, DRC-OTP-0147-0205, DRC-OTP-1062-0415 and DRC-OTP-1062-0425.

⁵ DRC-OTP-0089-0075.

⁶ DRC-OTP-0113-0143.

⁷ DRC-OTP-0093-0113.

⁸ DRC-OTP-0093-0113.

fewer redactions. DRC-OTP-1062-0413, an investigator's report, was disclosed via e-mail on 16 May 2011.

Today's package also contains an e-mail, DRC-OTP-0197-0389, which is being disclosed with redactions.

The package further contains four annexes to witness DRC-D03-P-0022's statement (which was previously disclosed in February 2009)⁹: DRC-OTP-0113-0117, DRC-OTP-0113-0118, DRC-OTP-0113-0121 and DRC-OTP-0113-0122.

Request for Confidentiality

Annexes A¹⁰ and B¹¹ 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 16th day of June 2011

At The Hague, The Netherlands

⁹ DRC-OTP-0113-0073, disclosed in Rule 77 Package 36 on 27 February 2009.

¹⁰ List of Disclosed Material provided to the Defence of Germain Katanga on 16 June 2011.

¹¹ List of Disclosed Material provided to the Defence of Mathieu Ngudjolo Chui on 16 June 2011.