

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/07
Date: 27 November 2007

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr. Bruno Cathala

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR
v. GERMAIN KATANGA**

**Public Document
with Confidential – *Ex Parte* – Prosecutor and VWU Only Annexes**

**Prosecution's Amended Application Pursuant to Rule 81(2) and Rule 81(4) to
Statements of Witnesses 1, 7, 9, 11, 13 and 14, and Interview Notes of
Witnesses 9 and 12**

The Office of the Prosecutor
Mr. Luis Moreno Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor
Mr. Éric MacDonald, Trial Lawyer
Mrs. Florence Darques-Lane, Legal
Adviser

Counsel for the Defence
Mr. David Hooper

The Office of the Prosecutor ("Prosecution") respectfully submits this amended application pursuant to Rule 81(2) and Rule 81(4) of the Rules of Procedure and Evidence ("Rules") to the statements of Witnesses 1, 7, 9, 11, 13 and 14, and interview notes of Witnesses 9 and 12 ("Amended Application") pursuant to the request made by the Single Judge during the *ex parte, in camera* hearing held on 20 November 2007.¹

Request for Sealing

The Prosecution requests that the Annexes to this Amended Application be received by the Single Judge as "Confidential, *Ex Parte*, Prosecutor and VWU Only" since the Annexes relate to material that is currently under seal.

1. The Single Judge convened *ex parte, in camera* hearings with the Prosecution and the representatives of the VWU on 30 October 2007² and on 31 October 2007³ in order to address the request for redactions to the statements of Witnesses 1, 7, 9, 12, 13 and 14 and Witnesses 3, 8 and 11, respectively. The Single Judge convened another hearing on 20 November 2007⁴ in order to address issues relating to Witnesses 2, 4, 5, 6, 9, 10, 11 and 12 "which arose from the requests for redactions, the hearings and the Information on the Status of the Referrals."⁵
2. During the hearing of 20 November 2007, the Single Judge requested the Prosecution to re-submit the statements and interview notes of Witnesses 1, 7, 9, 11, 12, 13 and 14 reflecting the redactions the Prosecution is currently requesting and the discussions that took place during the hearing of 20 November 2007, the previous hearing of 31 October 2007 and as submitted by the Prosecution in its

¹ See ICC-01-04-01-07-T-9-CONF-EXP-ENG ET 20-11-2007, p. 28, lines 19-25.

² ICC-01-04-01-07-T-7-CONF-EXP-ENG [30Oct2007Edited].

³ ICC-01-04-01-07-T-8-CONF-EXP-ENG [31Oct2007Edited].

⁴ ICC-01-04-01-07-T-9-CONF-EXP-ENG ET 20-11-2007.

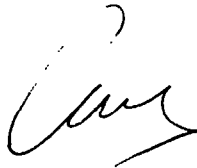
⁵ See ICC-01/04-01/07-74, p. 3.

"Supplemental Brief in Respect of the Prosecution's Applications Pursuant to Rule 81(2) and Rule 81(4).⁶

3. The Prosecution hereby appends to this Amended Application, seven "Confidential, *Ex Parte*, Prosecutor and VWU Only" annexes,⁷ containing the amended proposed redactions to the statements and interview notes of Witnesses 1, 7, 9, 11, 12, 13 and 14.

Request

The Prosecution respectfully requests that the Single Judge authorize the amended proposed redactions to the statements of Witnesses 1, 7, 9, 11, 13 and 14, and the interview notes of Witnesses 9 and 12, as submitted in this application and its annexes.



Luis Moreno Ocampo
Prosecutor

Dated this 27th day of November 2007

At The Hague, The Netherlands

⁶ See ICC-01/04-01/07-51-Conf-Exp, p. 8.

⁷ Annex 1 (Statement of Witness 1), Annex 2 (Statement of Witness 7), Annex 3 (Statements and Interview Notes of Witness 9), Annex 4 (Statement of Witness 11), Annex 5 (Interview Notes of Witness 12), Annex 6 (Statement of Witness 13) and Annex 7 (Statement of Witness 14).