



Original: **English**

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

Date: 05 May 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Hans-Peter Kaul

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI***

Public

**Defence Response to the « Requête de l'Accusation aux fins d'expurgation
d'informations dans la seconde déposition du témoin à charge W-249 »**

Source: Defence for Mr Germain Katanga

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Eric Macdonald, Senior Trial Lawyer

**Counsel for the Defence for Germain
Katanga**

Mr David Hooper
Mr Andreas O'Shea

**Counsel for the Defence for Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of Victims

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

1. The Defence for Mr. Katanga (“the Defence”) hereby files its Response to the « *Requête de l’Accusation aux fins d’expurgation d’informations dans la seconde déposition du témoin à charge W-249* » notified on 28 April 2009.¹
2. As regards the redactions in the transcripts of W-249 sought to be admitted, the Defence objects to the permanent redactions sought. Whilst it is true that the Chamber has previously authorised redactions of names and whereabouts of family members of witnesses, the Chamber rejected the Prosecution’s earlier requests to redact permanently such information as being excessive in light of the rights of the Defence.²
3. In line with the Chamber’s previous rulings on redactions, the Defence does not oppose the temporary redactions sought but requests the Trial Chamber to reject the request for permanent redactions and to order the Prosecution to disclose the identities and whereabouts of the family members of witness W-249 at the latest 30 days prior to the commencement of the trial.

Respectfully submitted,



David HOOPER

Dated this 5th May 2009

At The Hague, Netherlands

¹ ICC-01/04-01/07-1078, Public Avec Annexe A confidentielle, ex parte, réservée à l’Accusation.

² ICC-01/04-01/07-1034, para. 46.