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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 Document

**Defence Response to Prosecution's *Requête aux fins d'expurgation d'informations*
*dans certains éléments de preuve relevant de la Règle 77 (W-007 et W-294)***

Source: Defence for Mr Germain Katanga

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

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Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

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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 Prosecution’s « *Requête aux fins d’expurgation d’informations dans certains éléments de preuve relevant de la Règle 77 (W-007 et W-294)* », a public redacted version of which has been served to the Defence on 8 May 2009 (« Prosecution’s Request »).¹
2. In its *Décision concernant la requête du Procureur aux fins d’expurgations d’informations relevant de l’article 67-2 du Statut ou la règle 77 du Règlement de procédure et de preuve (ICC-01/04-01/07-971-Conf-Exp)* of 4 May 2009,² confirmed by several Decisions on redactions issued the same day,³ the Chamber granted the redaction of the name of intermediaries and of the identity and identifying information of the family members of witnesses untill 30 days before the commencement of the trial.
3. The Defence requests that the Trial Chamber apply the same principles set out in the above Decision. Accordingly, the Defence requests that the Trial Chamber reject all permanent redactions sought and order the Prosecution to disclose the identity of the intermediary mentioned under A, and the identity and identifying information of the family members of witnesses W-007 and W-294 mentioned under D and E of the Prosecution’s Request at the latest 30 days before the commencement of the trial. In light of the above Decision and in the spirit of cooperation, the Defence does not object to the temporary redactions sought.

¹ ICC-01/04-01/07-1118, Public Redacted Version of the document ICC-01/04-01/07-1018-Conf-Exp dated 2 April 2009.

² ICC-01/04-01/07-1096, paras 27-28, 39 and p. 18.

³ Cf. ICC-01/04-01/07-1097, *Décision concernant la requête du Procureur aux fins d’expurgations d’informations et aux fins de maintien et de rétablissement des passages supprimés dans certains documents relevant de la règle 77 du Règlement de procédure et de preuve (témoins 26, 36,158 et 180) (ICC-01/04-01/07-981-Conf)*; ICC-01/04-01/07-1098, *Décision concernant la requête du Procureur aux fins d’expurgations d’informations dans certains éléments de preuve relevant de l’article 67-2 du Statut ou de la règle 77 du Règlement de procédure et de preuve (ICC-01/04-01/07-957)*; ICC-01/04-01/07-1099, *Décision concernant la requête du Procureur aux fins d’expurgations d’informations relevant de l’article 67-2 du Statut ou la règle 77 du Règlement de procédure et de preuve (ICC-01/04-01/07-902)*; ICC-01/04-01/07-1100, *Décision concernant la requête du Procureur aux fins d’expurgations d’informations dans certains éléments de preuve relevant de l’article 67-2 du Statut ou de la règle 77 du Règlement de procédure et de preuve (ICC-01/04-01/07-916)*; ICC-01/04-01/07-1101, *Décision concernant la requête du Procureur aux fins d’expurgations d’informations relevant de l’article 67-2 du Statut ou la règle 77 du Règlement de procédure et de preuve (ICC-01/04-01/07-934)*. See also *Décision concernant trois requêtes du Procureur aux fins de maintien des suppressions ou de rétablissement de passages supprimés (ICC-01/04-01/07-859, ICC-01/04-01/07-860 et ICC-01/04-01/07-862)*, ICC-01/04-01/07-1033-Conf-Exp, issued on 25 March 2009, disclosed to the Defence on 7 April 2009.

Respectfully submitted,



David HOOPER

Dated this 18 May 2009

At The Hague