

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **08 July 2009**

TRIAL CHAMBER II

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

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

Public

**Addendum to Prosecution's Urgent Application to Be Permitted to Present as
Incriminating Evidence Transcripts and Translations of Videos and Video DRC-
OTP-1042-0006 pursuant to Regulation 35 and Request for Redactions**

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

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Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
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Victims and Witnesses Unit

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**Victims Participation and Reparations
Section**

Other

1. On 30 June 2009, the Office of the Prosecutor ("Prosecution") filed an application to, inter alia, be permitted to present as incriminating evidence transcripts and translations of videos ("Application").¹ In its Application the Prosecution inadvertently described video DRC-OTP-1018-0145 as having been disclosed as incriminating evidence prior to 30 January 2009.² The Prosecution would like to correct this assertion and submits this addendum to clarify the status of the above video.

2. The Prosecution initially characterized video DRC-OTP-1018-0145 as falling within the scope of Rule 77 of the Rules of Procedure and Evidence, and accordingly requested certain image distortions on 23 February 2009³ as a precursor to disclosing the video to the Defence. On 9 April 2009, the Prosecution modified the above request pursuant to Regulation 35(2) of the Regulations of the Court, requesting re-classification of the video as incriminating evidence.⁴

3. On 18 May 2009, Trial Chamber II granted the Prosecution request⁵. The Prosecution was ordered to disclose the video as soon as possible and to incorporate the information relating to the video in its table of incriminating evidence.⁶

¹ ICC-01/04-01/07-1260.

² *Id.*, para. 2

³ ICC-01/04-01/07-912-Conf-Exp.

⁴ ICC-01/04-01/07-1052.

⁵ ICC-01/04-01/07-1148-Conf-Exp, para. 10.

⁶ *Id.*, page 11.

4. The Prosecution did incorporate the information in its table of incriminating evidence.⁷ The Prosecution has now implemented the approved distortions and will disclose the video to the Defence this week.



Luis Moreno-Ocampo, Prosecutor

Dated this 8th day of July 2009

At The Hague, The Netherlands

⁷ See, for example, ICC-01/04-01/07-1174-Conf-Exp-AnxB.