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

Date: **27 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 CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA and MATHIEU NGUDJOLO CHUI***

Public

Defence Response to the « *Prosecution's Resubmission of the Statements of Witnesses 101 and 44* »

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
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Legal Representatives of Victims

Me Carine Bapita Buyangandu
Me Hervé Diakiese
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Me Flora Mbuyu Anjelani
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Me Jean•Louis Gilissen
Me Joseph Keta

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 « *Prosecution’s Resubmission of the Statements of Witnesses 101 and 44* », filed on 17 July 2009.¹

2. The Defence notes that the Prosecution does not indicate whether the proposed redactions are sought temporarily or permanently. Provided they are sought on a temporary basis and the Defence will receive disclosure of the proposed redacted information at the latest 30 days prior to the commencement of trial, in line with the Trial Chamber’s prior rulings on redactions,² the Defence does not object. If, on the other hand, the redactions are sought on a permanent basis, the Defence reiterates its objections raised in previous filings to any permanent redactions sought.³

Respectfully submitted,



David HOOPER

Dated this 27th July 2009

At The Hague, Netherlands

¹ ICC-01/04-01/07-1315 PUBLIC with Annexes Confidential, *ex parte*, only available to the Office of the Prosecutor.

² ICC-01/04-01/07-987-Conf-Exp, version publique ICC-01/04-01/07-1034, paras. 17-21 and paras. 42-48; ICC-01/04-01/07-1149-Conf-Exp.

³ *Inter alia*, ICC-01/04-01/07-948, para. 11; ICC-01/04-01/07-979-Conf, para. 2; ICC-01/04-01/07-1012-Conf, para. 2.