



Original: English

No.: ICC-01/04-01/07
Date: 21 October 2009

TRIAL CHAMBER II

Before: Judge Bruno Cotte , Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

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

Public Document

**Defence Motion Requesting the Disclosure of the Redacted Statement of Witness
317**

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

Mr Jean-Louis Gilissen
Mr Fidel Nsita Luvengika

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. On 19 October 2009, the Prosecution filed the *Prosecution's Application to be permitted to add the Statement of Witness 317 to its List of Evidence and to Add Witness 317 to its List of Witnesses pursuant to Regulation 35*,¹ seeking leave to add the statement of Witness 317 to its List of Incriminating Evidence and to add Witness 317 to its List of Witnesses. The redacted version of the statement was submitted in Annex C, Confidential, *ex parte*, only available to the Prosecution. The Prosecution noted that it “has no objection for the Defence to immediately have access to Annex C if the Trial Chamber II so approves”.²
2. In order to be able to assess the relevance of Witness 317 and to file a complete response to the Prosecution Motion, the Defence respectfully requests the Trial Chamber to order the reclassification as Confidential, *ex parte*, only available to the Prosecution and the Defence of the Annex C.

Respectfully submitted,



David HOOPER

Dated this 21 October 2009

At London

¹ ICC-01/04-01/07-1537.

² *Ibid.*, para. 42.