



Original: **English**

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

Date: **5 February 2010**

TRIAL CHAMBER II

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public
**with Annexes A, B and C - Confidential, *ex parte*, only available to the
Office of the Prosecutor**

**Prosecution's Urgent Request to Disclose a Redacted Version of a Screening Note
of P-296**

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

Counsel for the Defence of Germain Katanga

Mr David Hooper

Mr Andreas O'Shea

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of the Victims

Mr Jean-Louis Gilissen

Mr Fidel Nsita Luvengika

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Office of the Prosecutor ("Prosecution") respectfully requests Trial Chamber II's ("Chamber") permission to urgently disclose a redacted version of a five-page screening note of P-296 ("Screening Note")¹, pursuant to Article 67(2) of the Rome Statute ("Statute").

Request for receipt of Annexes as Confidential, *ex parte*

1. The Prosecution requests that the annexes to this filing be received by the Chamber as Confidential, *ex parte*, only available to the Office of the Prosecutor, since they relate to undisclosed material and a request for redactions. The Prosecution submits in Annex A, a copy of the Screening Note with the redactions as sought to permit the Defence to immediately have access to the Screening Note, pending the Chamber's decision on the request for redactions. Annex B contains an unredacted version of the Screening Note and Annex C a chart providing the reasons for the proposed redactions.

Request for disclosure of document DRC-OTP-1015-0802

2. The Prosecution only noticed on 4 February 2010, that the Screening Note had not been disclosed to the Defence. Conscious that the Screening Note may be relevant, pursuant to Article 67(2) of the Statute, to the upcoming testimony of Witness 268, the Prosecution seeks permission to disclose it immediately to the Defence.

Request for redactions to DRC-OTP-1015-0802

3. The Prosecution also requests the Chamber's authorisation to disclose the Screening Note with redactions, pursuant to Rules 81(1), (2) and (4) of the Rules of Procedure and Evidence ("Rules"). The Prosecution seeks redactions to internal work related comments and to the names of the children and telephone number of the person screened. The Prosecution submits that the

¹ DRC-OTP-1015-0802.

information which it seeks to redact is not material to the preparation of the Defence and does not prejudice the accused.

Request

The Prosecution requests the Chamber's permission to urgently disclose the Screening Note with the redactions as requested.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 5th day of February 2010

At The Hague, The Netherlands