



Original: **English**

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

Date: **19 April 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 REDACTED**

**With Annex A - confidential, *ex parte*, only available to the Office of the  
Prosecutor**

**Prosecution's Application to Lift Redactions to Documents Related to Witness 267**

**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 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 the Victims**

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

The Prosecution seeks permission to lift redactions to the previously disclosed statement of Trial Witness P-267. This request is made necessary in order to harmonise the redactions between the *Lubanga* and *Katanga/Ngudjolo* cases.

### **Confidentiality**

1. The Prosecution requests that this Application and its Annex A be classified as Confidential, *ex parte*, only available to the Office of the Prosecutor, since they contain information that is currently redacted from the Defence. A public redacted version of this Application will be made available.

### **Request**

2. Trial Witness P-267 was first interviewed by the Prosecution on 14 November 2006 ("First Statement").<sup>1</sup> On 8 and 9 December 2009, P-267 was interviewed again, but this time, for the purposes of the *Lubanga* case ("Second Statement").
3. The First Statement was disclosed with permanent redactions [REDACTED] in the *Katanga/Ngudjolo* case.<sup>2</sup> The First Statement was also disclosed with the same redactions in the *Lubanga* case.<sup>3</sup>
4. The Second Statement was disclosed in the *Lubanga* case without any redactions. In the Second Statement, [REDACTED]<sup>4</sup> [REDACTED]<sup>5</sup> [REDACTED] .
5. With the objective of harmonising the redactions between the *Lubanga* and *Katanga/Ngudjolo* cases and between the two interviews of Witness 267, the

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<sup>1</sup> See DRC-OTP-1000-0002.

<sup>2</sup> ICC-01/04-01/07-1469, 14 September 2009 and ICC-01/04-01/07-1483-Red2, 23 September 2009.

<sup>3</sup> 8 April 2010, Trial Rule 77 Package 142.

<sup>4</sup> [REDACTED].

<sup>5</sup> [REDACTED].

Prosecution requests that the redactions to [REDACTED] be lifted from the First Statement of Witness P-267. [REDACTED]. The Prosecution only seeks lifting of these redactions and all other redactions should be maintained.

6. If and when the Chamber grants the lifting of the redactions to [REDACTED], the Prosecution will disclose the Second Statement and redisclose the First Statement without the said redactions.
7. Confidential, *ex parte* Annex A contains the First Statement of Witness 267 with the proposed lifted redactions highlighted in red.

### Conclusion

For the foregoing reasons, the Prosecution seeks the permission of the Chamber to lift the redactions described above.



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Luis Moreno-Ocampo, Prosecutor

Dated this 19<sup>th</sup> day of April 2010

At The Hague, The Netherlands