



Original: English

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

Date: 18 April 2011

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

**Defence Request to Admit into Evidence Entirety of Document
EVD-OTP-00262**

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 Q.C.
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 15 April 2011, the Defence for Mr. Katanga made an application to have admitted into evidence the entirety of the contents of the interview conducted by members of the Prosecution with witness DRC-D02-P-0236 dated 18 June 2007.¹ This document has been referred to in part by the Prosecution and given an EVD number: EVD-OTP-00262.
2. Part of this interview was shown to the witness with the purpose of demonstrating inconsistencies between the witness's submissions in court and his submissions during the June 2007 interview on the subject of weapons deliveries. The Defence is of the view that the witness's account of 2007 is remarkably consistent with his account in court in April of this year.
3. In the submission of the Defence, this is particularly evident when the interview is considered in its totality rather than on the basis of the selected references in the transcripts made by the Prosecution. Accordingly, as was argued orally by counsel for Mr. Katanga on 15 April 2011, it is only fair to the witness who is alleged to have given inconsistent accounts, that 'the Judges can see the context in which that inconsistency is said to take place'.²
4. The judges requested the Defence to put its request in writing and submit it by Monday 18 April 2011, 16.00. The Defence hereby responds to the judges' request. It seeks to have document EVD-OTP-00262 admitted for its entire content for the purpose of offering an opportunity to the Chamber to evaluate for itself whether the submissions made orally before it by witness DRC-D02-P-0236 concerning weapons deliveries contradict his submissions made to the Prosecution on 18 June 2007.
5. As aforementioned, the Defence is of the view that there are no contradictions between the two accounts when considered in light of the interview as a whole. Admission will then be sought in full so that the Chamber has before it the information in a whole and undistorted fashion.
6. On this ground, the Defence reiterates its oral request of 15 April 2011 and requests the Chamber to admit document EVD-OTP-00262 for the entirety of its contents.

¹ ICC-01/04-01/07-T-248-ENG, 15-04-2011, 46-50

² ICC-01/04-01/07-T-248-ENG, 15-04-2011, 48 lines 14-16.

Respectfully submitted,



David HOOPER Q.C.

Dated this 18th day of April 2011

At The Hague