



Original: **English**

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

Date: **18 August 2009**

**TRIAL CHAMBER II**

**Before:** Judge Bruno Cotte, Presiding Judge  
Judge Fatoumata Dembele Diarra  
Judge Hans-Peter Kaul

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
THE PROSECUTOR**

***v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

**PUBLIC REDACTED VERSION**

**Prosecution's Observations regarding Witness 270**

**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**

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Katanga**

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Mr Andreas O'Shea

**Counsel for the Defence of Mathieu  
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila  
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**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

Ms Carine Bapita Buyangandu  
Mr Hervé Diakiese  
Mr Vincent Lurquin  
Mr Jean Chrysostome Mulamba Nsokoloni  
Ms Flora Mbuyu Anjelani  
Mr Fidel Nsita Luvengika

Mr Jean-Louis Gilissen  
Mr Joseph Keta

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the De**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Sect Other**

The Prosecution informs Trial Chamber II (“Chamber”) that witness 270 does not consent to the disclosure of his identity to the accused, Mathieu Ngudjolo and Germain Katanga (“Accused”).

### **Observations**

1. On 22 July 2009, Trial Chamber II requested the Prosecution to locate witness 270 and to enquire about his current security situation.<sup>1</sup>
2. On 17 August 2009, the Prosecution was able to locate and speak to [REDACTED].
3. [REDACTED].
4. [REDACTED].

### **Disclosure of the transcripts of the statement of witness 270**

5. On 14 August 2009 and as requested by the Chamber, the Prosecution disclosed the transcripts of the statement of witness 270 with redactions to his identity.<sup>2</sup>

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<sup>1</sup> ICC-01/04-01/07-1332.

<sup>2</sup> See disclosure report, ICC-01/04-01/07-1383 and confidential annexes A and B.

6. In light of the security concerns of witness 270, the Prosecution respectfully submits that his identity should not be disclosed to the Defence. The Prosecution reiterates its arguments as submitted on 23 March 2009<sup>3</sup> and presented during the closed session hearing of 8 July 2009.<sup>4</sup>



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Luis Moreno-Ocampo, Prosecutor

Dated this 18<sup>th</sup> day of August 2009

At The Hague, The Netherlands

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<sup>3</sup> ICC-01/04-G1/07-985.

<sup>4</sup> ICC-01/04-01/07-T-68-Conf-Exp.