



Original: English

No.: ICC-01/04-01/07
Date: 10 September 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 Document

**Prosecution's Observations on Additional Documents Provided by
Applicant a/0452/09**

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 Fidel Nsita Luvengika

Mr Jean-Louis Gilissen

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

Ms Fiona McKay

Other

The Office of the Prosecutor ("Prosecution") respectfully submits its additional observations on the application for participation in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* of Applicant a/0452/09, pursuant to Rule 89(1) of the Rules of Procedure and Evidence ("Rules").

Background

1. On 6 September 2010, Trial Chamber II ("the Chamber") requested the Prosecution to file observations regarding the application for participation as victim in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, of Applicant a/0452/09.¹

Factual analysis of the application

Re-examination of a/0452/09's application in light of additional information provided

2. Applicant a/0452/09 submitted additional documents as requested by the Chamber.² The documents include a statement signed by three witnesses attesting to the identity of the Applicant and the relationship between the victim and the person acting on his behalf. This statement is accompanied by proof of identity of the three witnesses and therefore meets the criteria for documents accepted by the Chamber in order to establish the identity of applicants and the existence of kinship between victims and persons acting on their behalf.³ The Applicant also submitted precisions regarding the date of the Bogoro attack mentioned in his previous application.

¹ ICC-01/04-01/07-2367, 6 September 2010, p. 6.

² ICC-01/04-01/07-1669, 23 November 2009, p. 7; ICC-01/04-01/07-1737, 22 December 2009, para. 26; ICC-01/04-01/07-1967, 16 March 2010.

³ ICC-01/04-01/07-933, 26 February 2009, para. 30.

3. Having provided the additional information requested by the Chamber, Applicant a/0452/09 now meets all the requirements for participation as victim in this case.⁴

Request

4. For the foregoing reasons, the Prosecution requests Trial Chamber II to grant Applicant a/0452/09 the right to participate as victim in the trial proceedings.



Luis Moreno-Ocampo, Prosecutor

Dated this 10th day of September 2010

At The Hague, The Netherlands

⁴ ICC-01/04-01/07-1669, 23 November 2009, para. 8. See also *The Prosecutor v. Thomas Lubanga Dyilo*, “Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008”, ICC-01/04-01/06-1432, 11 July 2008, paras 1-2 and *Situation in the Democratic Republic of the Congo*, “Judgment on victim participation in the investigation stage of the proceedings in the appeal of the OPCD against the decision of Pre-Trial Chamber I of 7 December 2007 and in the appeals of the OPCD and the Prosecutor against the decision of Pre-Trial Chamber I of 24 December 2007”, ICC-01/04-556, 19 December 2008, para. 45.