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**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 March 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 THE CONGO
IN THE CASE OF
THE PROSECUTOR
v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI**

**Confidential, *ex parte* only available to the Office of the Prosecutor, Registry and
Defence for Germain Katanga**

Prosecution's Observations pursuant to Rules 74(4) and 191

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

Legal Representatives of Victims

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

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

**Other
Division of Court Services**
Mr Marc Dubuisson

The Prosecution hereby submits its observations in response to the Chamber's "*Ordonnance relative à la mise en oeuvre de l'article 93-2 du Statut et des règles 191 et 74 du Règlement de procédure et de preuve au profit de témoins de la Défense de Germain Katanga*".¹

The Prosecution has no objection to the Chamber's provision of the assurances sought pursuant to Rules 74(4) and 191.

The Prosecution would only add that each witness should be reminded that an assurance against self-incrimination means only that his testimony will not be used against him. However, the evidence of any or all of the four intended Defence witnesses could be used by the Prosecution against other individuals.

The witnesses should also be reminded that notwithstanding the assurances given they may be prosecuted if they commit perjury or contempt of court under Articles 70 and 71.



Luis Moreno-Ocampo, Prosecutor

Dated this 4th day of March 2011

At The Hague, The Netherlands

¹ ICC-01/04-01/07-2748-Conf-Exp.