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

Date: 9 June 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

Public Document

**Prosecution's Observations on Additional Documents Provided by
Applicant a/0197/08**

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**

Mr David Hooper

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

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**

Other

The Office of the Prosecutor ("Prosecution") respectfully submits its additional observations on the application of the family members of deceased Applicant a/0197/08 for participation in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* on behalf of Applicant a/0197/08, pursuant to Rule 89(1) of the Rules of Procedure and Evidence ("Rules").

Background

1. On 31 May 2011, Trial Chamber II ("the Chamber") requested the Prosecution to file observations regarding the additional information provided by the family members of Applicant a/0197/08 requesting the right to represent the deceased victim's interests in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*.¹

Observations

2. In its previous submission dated 20 April 2011², the Prosecution expressed its view that all the necessary criteria have been met in order to afford the brother of Applicant a/0197/08 the right to act on behalf of this deceased victim in the present case.
3. In light of the latest additional information, the Prosecution maintains its previous position and requests the Chamber to grant the brother of Applicant a/0197/08 the right to represent this deceased victim's rights in the trial proceedings.



Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of June 2011
At The Hague, The Netherlands

¹ ICC-01/04-01/07-2970-Conf-Exp-Anx-Red.

² ICC-01/04-01/07-2847.