



Original: English

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

Date: 6 June 2013

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**

Public

**Defence Response to Prosecution "*Demande d'autorisation de répliquer aux*
'Defence Observations on the Decision transmitting additional legal and factual
*material (regulation 55(2) and 55(3) of the Regulations of the Court)'"***

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

Ms Fatouma Bensouda, Prosecutor

Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence for Germain

Katanga

Mr David Hooper Q.C.

Mr Andreas O'Shea

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

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Procedural background

1. On 3 June 2013, the defence for Mr Katanga (“defence”) filed the Defence Observations¹ on the Decision transmitting additional legal and factual material (regulation 55(2) and 55(3) of the Regulations of the Court)² (“Defence Observations”).
2. On 5 June 2013, the prosecution requested leave to reply to the Defence Observations.³

Submissions

3. The defence does not object in principle to the prosecution having the opportunity to make its observations. However, the defence insists on it being able to reply to any submissions the prosecution may make.

Respectfully submitted,



David HOOPER Q.C.

Dated this 6 June 2013

At London

¹ ICC-01/04-01/07-3379-Conf-Corr.

² ICC-01/04-01/07-3371-tENG, 15 May 2013.

³ ‘*Demande d’autorisation de répliquer aux «Defence Observations on the Decision transmitting additional legal and factual material (regulation 55(2) and 55(3) of the Regulations of the Court) » ICC-01/04-01/07-3379-Conf-Corr’*, ICC-01/04-01/07-3380.