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

Date: 18 January 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
Applicants a/0114/08 and a/0160/09**

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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States' Representatives

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Victims and Witnesses Unit

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**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

The Office of the Prosecutor ("Prosecution") respectfully submits its additional observations on the applications for participation in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* of Applicants a/0114/08 and a/0160/09, pursuant to Rule 89(1) of the Rules of Procedure and Evidence ("Rules").

Background

1. On 10 January 2011, Trial Chamber II ("the Chamber") requested the Prosecution to file observations regarding the applications for participation as victims in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, of Applicants a/0114/08 and a/0160/09.¹

Factual analysis of the application

Re-examination of a/0114/08 and a/0160/09's applications in light of the additional information provided

2. Applicant a/0114/08 submitted an additional document as requested by the Chamber.² The document includes a statement by the victim providing clarifications regarding the date of the Bogoro attack mentioned in his previous application. The statement is authenticated by the victim's thumbprint.
3. Applicant a/0160/09 submitted additional documents as requested by the Chamber.³ The documents include a copy of the "*attestation tenant lieu de carte*

¹ ICC-01/04-01/07-2642, 10 January 2011, pp. 6 et 7.

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; ICC-01/04-01/07-2516, 8 November 2010, para. 19.

³ 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; ICC-01/04-01/07-2516, 8 November 2010, para. 19.

d'identité” of the victim and therefore meet the criteria for documents accepted by the Chamber in order to establish the identity of applicants.⁴

4. Having both provided the additional information requested by the Chamber, the Prosecution submits that Applicants a/0114/08 and a/0160/09 now meet all the requirements for participation as victims in this case.⁵

Request

5. For the foregoing reasons, the Prosecution requests Trial Chamber II to grant Applicants a/0114/08 and a/0160/09 the right to participate as victims in the trial proceedings.



Luis Moreno-Ocampo, Prosecutor

Dated this 18th day of January 2011

At The Hague, The Netherlands

⁴ ICC-01/04-01/07-933, 26 February 2009, para. 30.

⁵ 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.