Cour Pénale Internationale



International Criminal Court

Original: English 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 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 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

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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.

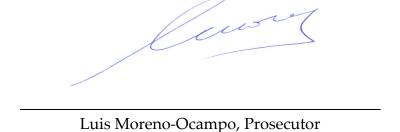
³ ICC-01/04-01/07-1669, 23 November 2009, p. 7; ICC-01/04-01/07-1737, 22 December 2009, para. 26; ICC-01/04-01/07-1967, 16 March 2010; ICC-01/04-01/07-2516, 8 November 2010, para. 19.

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.



Dated this 18th day of January 2011

At The Hague, The Netherlands

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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.