



Original: English

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

Date: 26 April 2017

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Monageng
Judge Silvia Fernández de Gurmendi
Judge Howard Morrison
Judge Piotr Hofmański

***SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR v. GERMAIN KATANGA***

Public

**Defence Notice of Appeal against the
*Ordonnance de réparation en vertu de l'article 75 du Statut***

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**Counsel for the Defence for Germain****Katanga**

Mr David Hooper Q.C.

Ms Caroline Buisman

Legal Representatives of Victims

Mr Fidel Nsita Luvengika

REGISTRY

Registrar

Mr Herman von Hebel

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other**Fonds au Profit des Victimes**

M. Pieter de Baan, Directeur

1. On 24th March 2017, Trial Chamber II rendered its *Ordonnance de réparation en vertu de l'article 75 du Statut* (hereafter the “Reparation Order”).¹
2. Pursuant to Rule 150(1) of the Rules of Procedure and Evidence, an appeal against a reparation order under Article 75 may be filed with the Registry not later than 30 days from the date on which the party filing the appeal is notified of the reparation order.
3. By Regulation 57 of the Regulations of the Court,

For the purposes of rule 150, the appellant shall file a notice of appeal which shall state:

- (a) The name and number of the case;
- (b) The date of the decision of conviction or acquittal, sentence or reparation order appealed against;
- (c) Whether the appeal is directed against the whole decision or part thereof;
- (d) The relief sought.

NOTICE OF APPEAL

4. The Appellant, pursuant to Article 82(4), Rule 150(1) and Regulation 57 hereby gives notice of appeal against the Reparation Order issued on 24 March 2017.

(a) Name of Case and Case Number:

Situation in the Democratic Republic of Congo.

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(b) The date of the Reparation Order:

24th March 2017.

(c) Whether the appeal is directed against the whole decision or part thereof:

The appeal is as to part of the Reparation Order, namely;

1. The Trial Chamber applied a wrong standard of proof when assessing the harm alleged by the applicants.

¹ ICC-01/04-01/07-3728.

2. The Trial Chamber has given too broad an interpretation of a parent whose death warrants reparations to the remaining children.
3. The Trial Chamber ruled *ultra petita* by allocating compensation exceeding several applicants' claims.
4. The Trial Chamber erred in issuing an order for reparations of 1,000,000 USD against Mr Germain Katanga because it is not proportionate to, and does not fairly reflect the part played by the accused in the crimes.

(d) The relief sought:

That part of the reparation order be reversed in order that:

1. The applicants' applications for reparation be assessed under a stricter standard of proof;
2. Compensation for the loss of a relative be limited to close relatives;
3. The Reparation Order not exceed the applicants' claims;
4. The financial liability of the accused be reduced.

Respectfully submitted,



David Hooper Q.C.

Dated this 26 April 2017,
London.