

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 April 2017

THE APPEALS CHAMBER

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. GERMAIN KATANGA***

Public

**Notice of Appeal against the Reparations Order and its Annex II issued in
accordance with article 75 of the Statute on 24 March 2017**

Source: Office of Public Counsel for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for Mr German Katanga

Mr David Hooper

Ms Caroline Buisman

Legal Representatives of the Victims

Mr Fidel Nsita Luvengika

Ms Paolina Massidda

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

Ms Paolina Massidda

Ms Bibiane Bakento

Mr Orchlón Narantsetseg

Mr Alexis Larivière

States' Representatives

The Trust Fund for Victims

Mr Pieter de Baan

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 15 March 2017, Trial Chamber II (the “Chamber”) appointed the Office of Public Counsel for the Victims (the “OPCV” or the “Office”) as the legal representative of 37 applicants for reparation.¹

2. On 24 March 2017, the Chamber issued its “*Ordonnance de réparation en vertu de l’article 75 du Statut*” (the “Reparations Order”), in which it recognised the status of victims to 297 applicants for reparations and ordered individual reparations, as well as collective reparations.² The Reparations Order includes a confidential *ex parte* Annex II, containing the individual assessment of each application for reparations. According to the Reparations Order, 14 out of the 37 applicants represented by the Principal Counsel were granted reparations, in full or in part, while 23 applications were rejected.

3. The Principal Counsel of the Office was appointed on 15 March 2017 and she was only able to start contacting her clients at the end of March 2017. Considering that the victims concerned by the Reparations Order submitted their claims in 2008 and 2009, the Principal Counsel is facing serious difficulties in establishing contact with them. Therefore, pending proper consultation with all her clients and in order to fully preserve their rights, the Principal Counsel files a Notice of Appeal against the entirety of the Reparations Order and its Annex II.

II. Notice of Appeal

4. Pursuant to article 82(4) of the Rome Statute, rules 150(1) and 150(3) of the Rules of Procedure and Evidence and regulation 57 of the Regulations of the Court, the Principal Counsel hereby gives notice of appeal against the entirety of the

¹ See the “*Décision relative à la requête du Représentant légal commun des victimes du 2 mars 2017*” (Trial Chamber II), No. ICC-01/04-01/07-3727, 15 March 2017, para. 14.

² See the “*Ordonnance de réparation en vertu de l’article 75 du Statut*” (Trial Chamber II), No. ICC-01/04-01/07-3728, 24 March 2017 (the “Reparations Order”) and its Annex II (No. ICC-01/04-01/07-3728- Conf-Exp-AnxII).

Reparations Order (ICC-01/04-01/07-3728) and its Annex II (ICC-01/04-01/07-3728-Conf-Exp-AnxII) issued on 24 March 2017 in the case of *The Prosecutor v. Germain Katanga*.

5. The Appeal is directed against the whole decision regarding the 37 applicants that the Principal Counsel represents.

6. For the reasons that will be provided in the document in support of the appeal, the Principal Counsel will request the Appeals Chamber to reverse or amend the Reparations Order and its Annex II and to grant reparations to all 37 victims she represents.



Paolina Massidda
Principal Counsel

Dated this 26th day of April 2017³

At The Hague, The Netherlands

³ This submission complies with regulation 36, as amended on 6 December 2016: ICC-01/11-01/11-565 OA6, para. 32.