

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **25 June 2014**

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Cuno Tarfusser
Judge Erkki Kourula
Judge Joyce Aluoch

Notice to: Mr. Herman von Hebel, Registrar

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

IN THE CASE OF

*THE PROSECUTOR
v. GERMAIN KATANGA*

Public

**Notice of Discontinuance of the Prosecution's Appeal
against the Article 74 Judgment of Conviction of Trial Chamber II
dated 7 March 2014 in relation to Germain Katanga**

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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Legal Representatives of Victims

Mr. Fidel Nsita Luvengika
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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**

Ms. Natacha Schauder

Detention Section**Victims Participation and Reparations Other Section**

Ms. Fiona McKay

1. The Prosecution takes note of Germain Katanga's discontinuance of his appeal¹ against the Article 74 Judgment of Conviction of Trial Chamber II dated 7 March 2014.² The Prosecution also takes note that Germain Katanga has decided not to appeal the sentence³ imposed by Trial Chamber II in its Article 76 Sentencing Decision dated 23 May 2014.⁴

2. In particular, the Prosecution notes Germain Katanga's acceptance of the conclusions reached in the Article 74 Judgment as to his role and conduct, as well as the sentence imposed. The Prosecution also notes Germain Katanga's expression of sincere regret to all those who have suffered as a result of his conduct, including the victims of Bogoro.⁵

3. Based on the above considerations and pursuant to Rule 152(1) of the Rules of Procedure and Evidence,⁶ the Prosecution discontinues its appeal against the Article 74 Judgment in relation to Germain Katanga.⁷

¹ ICC-01/04-01/07-3497 ("Defence Notice of Discontinuance of Appeal") and ICC-01/04-01/07-3497-AnxA ("*Notification du retrait par Germain Katanga*").

² ICC-01/04-01/07-3436 ("Article 74 Judgment"). See also ICC-01/04-01/07-3436-AnxI and ICC-01/04-01/07-3436-AnxII.

³ Defence Notice of Discontinuance of Appeal, paras.1-4 and *Notification du retrait par Germain Katanga*, pp.2-3.

⁴ ICC-01/04-01/07-3484. See also ICC-01/04-01/07-3484-AnxI.

⁵ Defence Notice of Discontinuance of Appeal, paras.1-4 and *Notification du retrait par Germain Katanga*, pp.2-3.

⁶ See for example, ICC-01/04-01/06-176 OA2, 3 July 2006, para.8, stating "The Appellant need not provide reasons for discontinuing and may exercise this right at any time before judgement is delivered. A notice of discontinuance is neither subject to approval by nor acknowledgement from the Court." See also ICC-01/04-01/06-393 OA2, 6 September 2006, para.12. See also ICC-01/04-01/06-1486 OA13, 21 October 2008, para.16, noting that an appeal may be discontinued in its entirety. Although this case law was rendered in the context of discontinuance of appeals under Rule 157, it should equally apply to the discontinuance of appeals under Rule 152.

⁷ ICC-01/04-01/07-3462.



Fatou Bensouda, Prosecutor

Dated this 25th day of June 2014

At The Hague, The Netherlands