

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 April 2014

THE APPEALS CHAMBER

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

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

Public Document

Prosecution's Appeal against Trial Chamber II's "*Jugement rendu en application de l'article 74 du Statut*"

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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REGISTRY

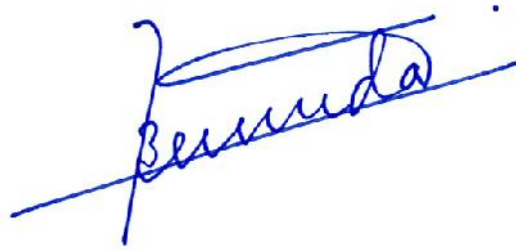
Registrar

Herman von Hebel

Defence Support Section

1. The Prosecution hereby files its Appeal against the “*Jugement rendu en application de l'article 74 du Statut*” (Article 74 Judgment)¹ delivered on 7 March 2014 in the case of *The Prosecutor v. Germain Katanga* (case number ICC-01/04-01/07), pursuant to Articles 81(1)(a) and 83(2), Rule 150 and Regulation 57 of the Regulations of the Court.
2. Trial Chamber II, by Majority, Judge Christine Van den Wyngaert partially dissenting, found Germain Katanga guilty, as an accessory, within the meaning of Article 25(3)(d), of one count of crimes against humanity (murder under Article 7(1)(a)) and four counts of war crimes (murder under Article 8(2)(c)(i), attack against a civilian population as such or against individual civilians not taking direct part in hostilities under Article 8(2)(e)(i), destroying the enemy's property under Article 8(2)(e)(xii), and pillaging under Article 8(2)(e)(v)). The Trial Chamber unanimously acquitted Germain Katanga of all other charges.
3. For reasons to be provided in its Document in Support of the Appeal, the Prosecution appeals the acquittals of Germain Katanga for rape and sexual slavery as a crime against humanity and as a war crime under Articles 7(1)(g) and 8(2)(e)(vi), including legal, procedural and factual findings that led to those acquittals.
4. The Prosecution will request the Appeals Chamber to reverse or amend the decision, and/or order a new (partial) trial before a different Trial Chamber.

¹ ICC-01/04-01/07-3436; see also ICC-01/04-01/07-3436-AnxI: Minority Opinion of Judge Christine Van den Wyngaert.



Fatou Bensouda, Prosecutor

Dated this 9th day of April 2014

At The Hague, The Netherlands